

## GENERAL INDEX.

For Classified Articles, see Appointments; Correspondence; Court Papers; Current Topics; Leading Articles; Obituary; Parliament; Reviews.

### APPOINTMENTS, RESIGNATIONS, &c.

Adrian, A. D., appointed an Assistant Secretary to the Local Government Board, 720  
Asquith, H. H., appointed Lecturer in Common Law to the Incorporated Law Society, 803  
Baker, T., receives the honour of Knighthood, 436  
Baker, W., appointed Lecturer in Equity to the Incorporated Law Society, 803  
Balfour, the Right Hon. J. B., Q.C., M.P., appointed a Member of the Privy Council, 707  
Benchers, New, 56, 420, 471, 538  
Biron, R. J., Q.C., appointed Senior Prosecuting Counsel to the Post Office on the South-Eastern Circuit, 202; appointed Police Magistrate at Lambeth, 538  
Bovill, A. G., appointed Clerk of Arraigns for the Western Circuit, 794  
Bowen, Lord Justice, receives honorary degree of D.C.L., Oxford, 557  
Braddell, T., created C.M.G., 56  
Brett, Sir W. B., appointed Master of the Rolls, 373, 382  
Bristow, E. J., elected President of the Incorporated Law Society, 640  
Butt, C. J., Q.C., M.P., appointed a Judge of the Probate, Divorce, and Admiralty Division, 366; receives the honour of Knighthood, 436  
Casserley, S. W., appointed Senior Prosecuting Counsel to the Post Office on the Midland Circuit, 202  
Clark, E. C., LL.D., elected to a Professional Fellowship at St. John's College, 9  
Clerks of the Peace, 41, 90, 185, 352, 729, 793, 803  
Collins, A. J. H., Q.C., elected Treasurer of Gray's Inn, 241  
Coroners, 41, 135, 185, 241, 319, 352, 366, 382, 471, 500, 520, 538, 557, 685  
Dalton, C. N., appointed an Assistant Secretary to the Local Government Board, 135  
Darvill, H., Clerk of the Peace for Windsor, receives the honour of Knighthood, 436  
De Gex, J. P., Q.C., Treasurer of Lincoln's Inn, receives the honour of Knighthood, 91  
Des Vaux, G. W., Governor of Fiji, created K.C.M.G., 520  
De Wet, J. P., receives the honour of Knighthood, 520  
Dicey, A. V., appointed Professor of Common Law to the Council of Legal Education, 105  
Dickens, H. F., appointed Recorder of Deal, 570  
Dickinson, J., Q.C., elected Treasurer of Lincoln's Inn, 382  
Dilke, Sir C., Bart., appointed President of the Local Government Board, 150  
Dugdale, J. S., Q.C., elected Chairman of Quarter Sessions for Warwickshire, 794  
Eddis, A. S., Q.C., appointed Judge of County Courts (Circuit No. 41), 207  
Farrer, T. H., created a Baronet, 720  
Fischer, T. H., Q.C., appointed Professor of Equity to the Council of Legal Education, 90  
Fry, Hon. Sir E., appointed a Judge of the Court of Appeal, 402; appointed a member of the Privy Council, 420  
Galiwey, M. H., created C.M.G., 520  
Giffard, H. A., Q.C., appointed Examiner in Equity to the Council of Legal Education, 185

Giffard, Sir H. S., Q.C., M.P., appointed Constable of Launceston Castle, 202  
Godley, J. A., C.B., appointed Permanent Under-Secretary of State for India, 571  
Griffiths, G. C., appointed an Assistant-Secretary to the Commissioners of Inland Revenue, 105  
Harding, R. P., appointed Principal Official Receiver of the London Court of Bankruptcy, 729  
Hennessy, Sir John Pope, K.C.M.G., appointed Governor of the Colony of Mauritius, 91  
Henry, A., appointed Professor of Jurisprudence and Lecturer in Indian Law at the University College, London, 352  
Herbert, R. G. W., created K.C.B., 121  
Herschell, Sir F., Q.C., appointed a Member of the Senate of the University of London, 456  
Hibbert, J. T., appointed Under Secretary of State for the Home Department, 557  
Hill, L. F. K., appointed Professor of Political Economy and Logic at the City of London College, 9  
Hough, E., appointed Chief Clerk in Bankruptcy to the Board of Trade, 729  
Hutchinson, The Hon. W. F. H., created C.M.G., 520  
Ince, H. B., Q.C., elected M.P. for Hastings, 603  
Jacobs, S., created C.M.G., 56  
Jordan, T. H., appointed Judge of County Courts (Circuit No. 26), 570  
Kennedy, G. G., appointed Recorder of Grantham, 640  
Kinglake, R. A., appointed Recorder of Penzance, 402  
Latham, H. (Senior Registrar of the Chancery Division), Resignation of, 1  
Lavie, G., appointed Registrar of the Chancery Division, 1  
Lawrence, A. T., appointed Junior Counsel to the Admiralty, 135  
Lloyd, E., appointed one of the Counsel to the Post Office, 202  
Local and Minor, 8, 26, 41, 56, 74, 91, 105, 121, 135, 150, 165, 185, 202, 222, 241, 261, 299, 319, 336, 352, 366, 382, 402, 420, 436, 456, 471, 500, 520, 538, 557, 570, 586, 603, 624, 640, 655, 671, 685, 696, 707, 720, 729, 738, 745, 752, 761, 771, 793, 803  
Lowther, J. W., elected M.P. for Rutlandshire, 729  
Markby, W., D.C.L., elected a Fellow of All Souls College, 488  
Mason, C. H., appointed Solicitor to the London and North-Western Railway Company, 803  
Maule, J. B., Q.C., Treasurer of the Inner Temple, receives the honour of Knighthood, 91  
Mayors, Lawyer, 41, 42, 56  
Mellor, E. D., appointed one of the Chief Clerks to Vice-Chancellor Bacon, 267  
Morley, J., LL.D., elected M.P. for Newcastle-upon-Tyne, 299  
Otway, Sir A. J., Bart., M.P., elected Chairman of Ways and Means in the House of Commons, 319  
Owen, H., appointed Permanent Secretary to the Local Government Board, 74  
Paine, T., President of the Incorporated Law Society, receives the honour of Knighthood, 91  
Payne, E. J., appointed Recorder of Chipping Wycombe, 761  
Pearson, Mr. Justice, receives the honour of Knighthood, 91  
Pollock, F., appointed Corpus Professor of Jurisprudence in the University of Oxford, 222  
Pringle, G., receives the honour of Knighthood, 90

*Current Topics (continued):—*

Criminal Code (Indictable Offences Procedure Bill), 287, 307, 525, 546, 578  
 Criminal Law Amendment Bill, 577  
 Damages for Breach of Warranty of Authority, 701  
 Daniel, Mr. Q.C., on the Married Women's Property Act, 175  
 Deceased Persons, Claims against Estates of, 358  
 Deceased Wife's Sister Bill, The Bishop of Exeter on the, 17  
 Declarations of Future Rights, 689  
 Deeds, Signing of, 594  
 Deposits on Appeals, 79  
 Disclaimer of Leases, 48: see also p. 17  
 Dividends on Shares, 156  
 Divorce Proceedings, Costs of, 579  
 Dramatic Copyright, 494  
 Eddis, A. S., Q.C., Appointment of as a Judge of County Courts, 207  
 Electric Lighting Act, The, 80, 111  
*Elliott v. Smith*, 325  
 Equitable Mortgage and Disclaimer, 725  
 Equity and Common Law Bars, Fusion of the, 48  
 Evidence of Witnesses in an Action on a Guarantee, 73  
 Exeter, Bishop of, on the Deceased Wife's Sister Bill, 17  
 Explosives Bill, 393  
 Felony, The Form of Indictments for, 701  
 Fires, Provisions for Extinction of, 95  
 Flogging Escaped Prisoners, 341  
 Foote, The Sentence on, 308  
 Foreclosure Orders, 325  
 Foreign Courts, Judgments of, 358  
 Forensic Eloquence, 288  
 Forfeiture, Relief against, 610  
 Frauds, Statute of, 545  
 Fry, Lord Justice, 393  
 — on Judicial Popularity, 493  
 Fusion of the Equity and Common Law Bars, 48  
 Green, Mr., Release of, 17  
 Guarantee, Evidence of Witnesses in an Action on a, 713  
 House of Lords, Lay Peers giving Judgment in the, 393  
 Incorporated Law Society, 128, 175, 427  
 Bath Meeting—President's Address, 777  
 Final Examination, 562, 594  
 Law Club, 577, 593  
 Law Stationers' Case, 461  
 Remuneration Order, 207  
 Infants, Affirmations by, 426  
 "Informers," 208  
 Innkeepers' Liability, 208  
 Intelligence, An Important Piece of, 766  
 Interpleader, 112  
 Interrogatories, 327  
 — Criminating, 112  
 Ireland:—  
 Carey's Murderer, Trial of, 661  
 Davitt and Healy, Messrs., Application against, 80  
 Kelly Case, The, 425  
 Prevention of Crimes Act, 268  
 Judge, Option to Choose your, 1, 63, 95, 609  
 Judge, The Additional, 427  
 Judges' Chambers, 777  
 Judgments, Preparation of, 765  
 Judicature, Supreme Court of (Funds, &c.), Act, 577, 661, 702  
 Judicature Act, 1873, Applications in Vacation, 227  
 Judicial Popularity, Lord Justice Fry on, 493  
 Juries, Exemption from Serving on, 526  
 Justice, Civil Administration of, The Cost of the, 741  
 Kay, Mr. Justice, on Costs in Administration Actions, 111, 325, 610  
 Lancashire, Continuous Sittings in, 267, 425: see also p. 279  
 Lachaud, M., 95  
 Law Books, Proposed Tribunal for Testing the Value of, 175  
 Law Courts Clock, 725  
 Law Reporting, Council of, 494  
 — Novel, 667  
 "Law Reports," The, 157  
 Leach, R. H., Death of, 667  
 Lease, Collateral Parol Agreements on the Granting of a, 326  
 Leases, Agreements for, Stamp Duty on, 32  
 Legacy Duty, 394, 409  
 Legal Phrases, Coining New, 2  
 "Levying War," 547  
 Liability of Lessee, on Disclaimer by Trustee of Assignee of Lease, 17: see also p. 48  
 Licensed Houses, Hour of Closing, 64  
 Licences, Transfers of, 96, 373  
 Licensing Act, The New, 63, 80  
 Liverpool, The Collision at, 153

*Current Topics (continued):—*

London Sittings, Transfer of the, 31, 79, 95, 513  
 Lottery, A "Cheap Jack" Case, 513  
 Lunacy, New Orders in, 207  
 Lunatics Act, 1883; 733  
 Mackonochie Case, The, 645  
 Magistrates, Ousting the Jurisdiction of, 749  
 Magistrates, Elected, 701  
 Marginal Notes, 375  
 Married Women's Property Act, 65, 192, 561  
 — Administration under the, 725  
 — Daniel, Mr., Q.C., on the, 175  
 — Rules as to Acknowledgments by, 140  
 Mayors, Female, 228  
 "Money Orders," 208  
 Mortgages:—  
 Attornment Clause in, 207  
 Equitable Mortgage and Disclaimer, 725  
 Powers of Sale in, 410  
 Municipal Corporations, Actions for Liability by, 48  
 Municipal Corporations Act, 1882; 96  
 National Debt Act, 733  
 Naval Courts Martial, 701  
 Negotiation Fees, 2  
 Newspaper Libel Act, The, 176  
 Notices, Affixing, 64  
 Official Receiverships, 797  
 Official Referee, Questioning the Findings of an, 561  
 Orders, Alterations in, 267  
 Parliament, Acts of, New, 127  
 — Affirmation Bill, 268  
 — Mr. Broadhurst's Bill, 462  
 — Re-election of Members, Holding Offices of Profit from the Crown, 140  
 Patents Act, The New, 357, 749, 750, 757, 778  
 — Rules under the, 797  
 Paupers, Proceedings against, 757  
 Paymaster, Chancery, 287  
 Paymaster-General, Receipts and Expenditure of the, 742  
 Plea to the Jurisdiction, 630  
 Powers to Lease, 741  
 Prisoners, Flogging Escaped, 341  
 Probate, Applications for, New Form of Affidavit and Account, 267, 287  
 Public Health Act, 1875; 96, 112  
 Purchase Money, Indorsed Receipts for, 577  
*Quare impedit*, The Action of, 191  
 Queen's Birthday, 477, 494  
 Queen's Counsel in Canada, 701  
 Queen's Counsel, The New, 95  
 Railway Commissioners, Accommodation for the, 127  
 Railway Passenger Duty, 394  
 Rayner, Mr., The late, 427  
 Receipt Stamps, 64  
 Records, Public, 545  
 Referee, Official, Questioning the Findings of an, 561  
 Re-hearing by Divisional Courts, 128  
 Reilly, Sir Francis, The late, 713  
 Remuneration Order, The, 1, 31, 47, 79, 191, 207, 227, 247, 545, 741, 749  
 — and Cornish Conveyancing Customs, 425  
 Rent, Distress for, 248, 661  
 — Payment of, for Buildings destroyed by Fire, 31  
 Royal Courts of Justice, Bar Libraries at the, 155, 545  
 — Removal of the London Sittings to the, 31, 79, 95  
 Rules, The New, 1, 477, 645, 741, 757, 797  
 — Debate on the, 689  
 — Draftsmen of the, 609  
 — New Provisions in the, 609  
 — Omissions from the, 766  
 Rules for New Trials, 593  
 Rutlandshire Election, 713  
 Serjeants-at-Law, 798  
 Settled Land Act, 1882; 175, 176, 493, 525, 667, 757  
 — Rules under the, 139  
 — Trustees under the, 441  
 Shaw, Mr., Release of, 713  
 — Claim for Compensation, 749  
 Slander on a Deceased Person, 478  
 Smith, A. L., Appointment of, as a Judge of the Queen's Bench Division, 393  
 Solicitor, Remuneration of, for Conducting a Sale by Auction, 741  
 Solicitors, Applications against, 757  
 — Bankrupt, 374  
 — Remuneration of, 248

*Current Topics (continued) :—*

Solicitors to Companies, 525  
Stamp Duty, 461  
Stamp Duty on Agreement for Leases, 32  
State Reports, 128: see also p. 145  
Statute Law Revision and Civil Procedure Bill, 667  
Statute of Frauds Amendment Bill, 545, 661  
Stock Exchange, Customs of the, 32  
Stolen Property, Recovery of, 630  
— Restitution of, 156  
Sunday Closing, 81  
Sunday Closing (Wales) Act, 1881; 127  
Sunderland Catastrophe, The, 561  
Support, Right to, 192  
Supreme Court of Judicature (Funds, &c.) Act, 1883; 577, 661, 702  
Tamatave Difficulty, The, 713  
Testamentary Capacity, 725  
Town Councillor, Disqualification of, 268  
Trade-Marks, 661  
Trade-Marks Bill, The, 267  
— Rules, The New, 374  
Trial of Lunatics Act, 1883; 733  
Trials, New, Rules for, 593  
Trustees, Appointment of New, 287  
Trustees, Liability of, 191  
Vacation, Applications in, 227  
— Business, The Restriction on, 689  
— Sitting, The First, 689  
Verdicts of Juries, Reversing of, 18  
Water, Right to, 527  
Westminster, Courts at, Statutes giving Jurisdiction to the, 155  
Wild Birds Protection Act, 442  
Williams, Mr. Justice, on the Trial of Lunatics Act, 733  
Wills, Office Copies of, 661

D.

DANIEL, W. T. S., Q.C., ON THE MARRIED WOMEN'S PROPERTY ACT, 184

Decisions, Recent, 5, 22, 52, 100  
Dodd, J., M.P., Testimonial to, 369

E.

EQUITY AND LAW LIFE ASSURANCE SOCIETY, 351

G.

GAZETTES, LONDON, 14, 28, 43, 60, 76, 92, 107, 124, 136, 152, 172, 188, 204, 223, 243, 263, 284, 303, 322, 338, 353, 370, 390, 405, 421, 438, 458, 473, 490, 510, 522, 541, 558, 574, 590, 606, 626, 641, 657, 674, 686, 698, 710, 722, 730, 739, 746, 754, 763, 773, 794  
Gloucestershire Law Society, 212, 555  
Gloucestershire and Wiltshire Law Society, 770  
Great Yarmouth Law Society, 351  
Gresham Life Assurance Society, 120

H.

HERSCHELL, SIR F., Q.C., M.P., ADDRESS TO THE BIRMINGHAM LAW STUDENTS' SOCIETY, 220

Herts Law Society, 520  
Highway Board Clerks' Society, 315  
Hull Incorporated Law Society, 90

I.

INCORPORATED LAW SOCIETY :—

Annual General Meeting, 636  
Bath Meeting, 770, 781, 801  
Council, Annual Report of, 654  
— Election of Members of, 684  
Jessel, Sir George, The late, 451  
Law Club, 601: see also pp. 564, 582, 597

*Incorporated Law Society (continued) :—*

Law Stationers' Cases, 442, 468: see also pp. 465, 481, 497  
President, Election of, 640  
Remuneration Order, and the, 216  
Rules, The New, 617  
Special General Meetings, 216, 451  
Vice-President, Election of, 640  
Examinations :—  
Preliminary, 40, 316, 535, 671, 684  
Intermediate, 72, 236, 487, 622  
Final, 73, 487, 562, 623  
Honours, 106, 279, 520, 639  
Special Prize List, 201  
Inland Revenue Stamp Duties, 281  
Inns of Court :—  
Calls to the Bar, 57, 233, 536  
Inner Temple Scholarships, 258  
New Benchers, 56, 420, 471, 538  
Council of Legal Education :—  
Examinations, 57, 183, 237, 382, 536  
Lectures, Easter and Trinity Course of, 1883; 366  
Professors and Examiners, Appointments of, 90  
Institut de Droit International, 737  
Ireland :—  
Barry, Right Hon. C. R., appointed a Judge of the Court of Appeal, 538  
Davitt and Healy (Messrs.), Application against, 80  
Fitzgerald, Baron, Congratulatory Address to, 48  
Johnson, Right Hon. W. M., Q.C., appointed a Judge of the Queen's Bench Division, 135  
Kelly Case, The, 425  
Law, Right Hon. H., Lord Chancellor, Death of, 739  
Legal Appointments, 557, 729, 752  
Murphy, J., Q.C., appointed a Judge of the Common Pleas Division, 538  
Prevention of Crimes Act, 268  
Small, J. F., elected M.P. for Wexford, 570

J.

JESSEL, SIR GEORGE, THE LATE, 342, 358, 365, 451  
Judicial Statistics, 66, 83, 98, 114

L.

LAMBERT, SIR JOHN, RETIREMENT FROM THE LOCAL GOVERNMENT BOARD, 76

Lancashire, Continuous Sittings in, 267, 279  
Law Association, 9, 236, 293, 535, 555, 670  
Law Cricket Club, 236, 380, 454  
Law Stationers' Cases—Judgments of the House of Lords, 468  
Law Students' Debating Society, 9, 57, 90, 163, 201, 219, 230, 317, 366, 402, 454, 470, 536, 573, 793, 802  
Law Union Fire and Life Insurance Company, 380

LEADING ARTICLES :—

Agents, Notice to, Principals as affected by, 140  
Agreements for Leases, 19, 579  
Agricultural Holdings Bill, Distress under the, 495: see also p. 661  
Alternative Rates, 514: see also p. 645  
Animals, Acts of, Liability for, 81, 595  
Bankruptcy, The Exception of Fraud in, 562  
— The Gazette as Evidence of Proceedings in, 594  
— Courts of, The Jurisdiction conferred upon by Section 72 of the Bankruptcy Act, 1869; 250, 270, 290  
Bankruptcy Bill, The Government, 289  
— Traders and Non-Traders under the, 328  
— Official Receivers, Proposals as to, 344, 359: see also p. 410  
— Some Miscellaneous Points in the, 377  
— Discharge of Bankrupts, 443  
— Daniel, Mr., on the, 664  
— In the House of Lords, 726  
Betting Agent, Contract to Indemnify a, 310  
Bill of Lading, Effect of Indorsement of, 479  
Bills of Sale not in Accordance with Statutory Forms, 463  
Bills of Sale Act, 1882; 3  
— With regard to non-Production of Receipts for Rent, 690  
Cheques, Post-dated, 194  
Coleridge (Lord), on the Growth of the Law, 548  
Contract, Implication of a, where the Contract actually made cannot be Enforced, 647



*Leading Articles (continued):—*

- Contract to Indemnify a Betting Agent, 310  
 Conveyancing Act, How far are Instruments shortened by the, 798  
 Conveyancing Act, 1881; 291  
 Cornish Conveyancing Customs and the Remuneration Order, 430 :  
   see also p. 425  
 Coroners' Inquests, 157  
 Covenants in Mortgages and the Statutes of Limitation, 411  
 Crimes, Attempts to Commit, 158  
 Criminal Appeal Bill, 327, 527  
 Criminal Procedure Bill, 309  
 Damages, The Usual Undertaking as to, 210  
   — for Breach of Contract to Sell or Lease, 742  
 Death of several Persons Dying by a common Calamity, 249  
 Designs and Trade-Marks : see Patents  
 Divorce Decree, The Effect of a, on Bequests to Husband and Wife,  
   428  
   — upon the Description of a Legatee, 703  
 Ecclesiastical Courts Commission, Report of the, 714  
 Election, The Doctrine of, in Relation to Special Powers of Appoint-  
   ment, 480  
 Explosives Substances Act, 395  
 Fire Arms, Attempts to Murder with, 496  
 Foreign Administrations, 734  
 "Gazette," The, as Evidence of Proceedings in Bankruptcy, 594  
 Giffard's, Sir H., Motion for an Address to Annul the New Rules,  
   679  
 Jessel, Sir George, The late, 342  
 Judicature Act, Sections 56 and 57, The Distinction between Refer-  
   ences under, 97 : see also p. 115  
 Judicial Statistics, 66, 83, 98, 114  
 Land, The Right to Support of, by the Subjacent *Strata*, 703  
 Law, Growth of the, The Lord Chief Justice on, 548  
 Leases, Agreements for, 19, 579  
   — Usual Provisions in, 129, 142, 159, 177 : see also p. 211  
 "Legal Fraud," The Term, 632  
 Liability for Damage done by Animals Straying from a Highway,  
   81, 595  
 Liability of Owner of Premises for Acts of Contractor, 2  
 Licensed Victuallers and other Licence Holders, The Legal Status of,  
   as affected by recent Legislation and Decisions, 251, 271  
*Lis alibi pendens*, 766  
 Lodger Franchise, Should the, be Retained, 34, 51  
 Married Women's Property Act, Effect of the, upon Settlements, 228  
 Merger of Securities, 113  
 Mortgages, Covenants in, and the Statutes of Limitation, 411  
 Nationality, 516  
 Negligent, Duty not to be; Towards whom, and under what Cir-  
   cumstances it arises, 778  
 Negotiable Instrument, Alteration of the Marginal Figures in a, 193  
 Parliamentary Elections under the New Act, 750, 758, 767, 778  
 Partnership Firm, Actions against, 495  
 Patents, Designs, and Trade-Marks Bills, The New, 375, 396, 413,  
   428, 444, 464  
 Penal Statutes, The Interpretation of, 209  
 Powers, The Exercise of, to Raise Portions, 176  
 Principals as affected by Notice to Agents, 140  
 Railway and Canal Traffic Acts, Effect of Alternative Rates on  
   Reasonableness of a Condition under the, 514 : see also p. 645  
 Remuneration Order, The, and Cornish Conveyancing Customs, 430 :  
   see also p. 425  
 Royal Courts of Justice, 21, 67, 84  
 Rules, The New, 610, 631, 646, 662, 679, 691, 705, 716  
   — Costs under the, 612  
 Securities, Merger of, 113  
 Settled Land Act, 19, 32, 49, 65, 82  
   — Conveyances on Trust for Sale under the, 113  
   — Some Practical Results of the, 269  
   — Some Points in the, 529  
   — A Fresh Development of the, 547  
 Settlements, The Effect of the Married Women's Property Act upon,  
   228  
 Settlements, Fraudulent, 229  
 Slander, Special Damage in, 359  
 "Street," The Meaning of, as used in Acts relating to Local  
   Management, 548  
 Trade Customs and the "Order and Disposition Clause," 580  
 Trade-Marks : see Patents  
 Urban Authorities, Executed Contracts with, 727  
 Water, Running, The Right to, 715  
 Leeds Law Students' Society, 9, 41, 57, 220, 239, 280, 336  
 Licences, Transfer of, 89 : see also p. 96  
 Liverpool Incorporated Law Society, 8  
 Liverpool Law Students' Association, 26, 41, 73, 121, 184, 219, 258, 299,  
   336, 402, 500, 770, 793

*Leading Articles (continued):—*

- London, City of, Court, 528  
 London Sittings, Transfer of to the Royal Courts of Justice—Order in  
   Council, 520  
 London University, 238  
 Lunacy Orders, 1883 ; 224, 239, 259, 281

## M

- MANCHESTER INCORPORATED LAW ASSOCIATION, 258, 316  
 Manchester Law Clerks' Friendly Society, 236  
 Married Women's Property Act, Mr. Daniel, Q.C., on the, 184

## N

- NATIONS, LAW OF, ASSOCIATION FOR THE REFORM AND  
 CODIFICATION OF, 753

## O

## OBITUARY:—

- Ackrill, H. W., 335  
 Allen, H. R., 620  
 Allen, W. S., 555  
 Arney, Sir G. A., 435  
 Bailey, E. C., 695  
 Bayley, C. H., 74  
 Beale, W. J., 537  
 Beck, S. A., 300  
 Bircham, F. S., 670  
 Blomley, J., 760  
 Booth, S. S., 486  
 Bowyer, Sir G., D.C.L., 555  
 Brewster, J., 456  
 Bridgman, F., 706  
 Carthew, G. A., 58  
 Champion, C., 486  
 Chandless, T., Q.C., 335  
 Chester, F. J., 619  
 Clarke, W., 280  
 Cleverton, F. W. P., 620  
 Clitherow, R., 239  
 Cochrane, Sir J., 619  
 Collins, H., 802  
 Dangerfield, J., 280  
 Daniell, M. L., 161  
 Darvill, Sir H., 760  
 Deacy, Lord Justice, 470  
 Debenham, G., 280  
 Dickens, W., 706  
 Dunning, S., 456  
 Eaden, J., 670  
 Earle, N., 335  
 Eastwick, E. B., C.B., 655  
 Eltrington, J. F., LL.D., Q.C., 745  
 Ellison, C. E., 537  
 England, G., 135  
 Faber, H. G., 239  
 Farrar, F., 300  
 Fawcett, J., 706  
 Fortescue, M., 365  
 Furley, C. J., 280  
 Garfit, T., 555  
 Gaselee, Serjeant, 802  
 Gepp, T. M., 185  
 Green, J. P., 670  
 Greene, W., 91  
 Gunner, T., 319  
 Gwynn, J. C., 365  
 Hall, C., 161  
 Harrison, W. G., Q.C., 319  
 Harcourt, E. V., 802  
 Haswell, E. H., 239  
 Hazard, W. M., 745  
 Headlam, E., 58  
 Herbert, J. M., 26  
 Herries, Sir C. J., K.C.B., 365  
 Houchen, H., 729  
 Huggins, H. C., LL.D., 456  
 Hughes, J., 670  
 Hughes, W., 781  
 Jebster, A. K., 537  
 Jackson, A., 365  
 Jacobs, S., C.M.G., 570  
 James, T. H., 695  
 Jones, J., 335  
 Knapp, A. J., 300  
 Lamb, J. W., 365  
 Lane, J., 619  
 Langmead, T. P. T., 134  
 Langridge, W. J. K., 74  
 Law, Right Hon. H., Lord Chancellor  
   of Ireland, 738  
 Lawrence, C. W., 185  
 Layton, J., 335  
 Leach, R. H., 667  
 Leeman, F., 781  
 Lewin, S. H., 537  
 Lovegrove, J., 185  
 Macleod, J. A., Q.C., 455  
 Marsfield, R. D., 745  
 Martin, Sir S., 161  
 Masterman, H., 570  
 Moon, W., 120  
 Morrell, F. J., 185, 201  
 Moss, W., 74  
 Moxon, J. H. H., LL.D., 537  
 Napier, G., 729  
 Napier, Sir J., 154  
 Newman, R., 201  
 Nicholson, E., 280  
 North, W., 670  
 Norton, J. B., 655  
 Oppenheim, M. S., 161  
 Orford, J., 460  
 Overton, G., 486  
 Palmer, E. H., 73  
 Peed, S., 74  
 Peele, E., 456  
 Pinchard, W. P., 802  
 Price, W., 120  
 Rawlins, T., 802  
 Rayner, J., 435  
 Reade, G. W., 239  
 Reilly, Sir F. S., K.C.M.G., Q.C.,  
   714, 720  
 Richardson, R., 74  
 Robberds, J. M., 752  
 Roberts, R. F., 771  
 Robson, W. W., 185  
 Rose, Sir P., 455  
 Salter, W. T., Q.C., 771  
 Scholefield, M. S., 620  
 Sedgwick, J., 57  
 Serjeant, J., 771



*Obituary (continued):—*

Sherwood, R. W., 745  
Skipper, J. F., 604  
Smith, Sir J. L., C.M.G., 670  
Snowball, W., 420  
Snowden, Mr. Justice, 435  
Symons, W., 335  
Tatham, M. H., 771  
Taylor, G., 435  
Thomas, E., 135  
Thornton, J. S., 706  
Toller, J. H., 781  
Tomlinson, F. P., 729  
Turner, R. E., 9

Turner, T., 455  
Walton, Sir W. H., 134  
Warry, G., 420  
Wheeler, Sergeant, LL.D., 570  
Whitbread, G., 239  
Wilbraham, H., 300  
Williams, J., 537  
Williams, S., 620  
Wilson, R. M.,  
Wood, J. P., 620  
Woolrych, E. H., 239  
Worship, W., 74

P.

PARLIAMENT:—

Court of Criminal Appeal Bill, 455  
\* High Court of Justice (Continuous Sittings) Bill, 587  
Legislation of the Week, 261, 283, 301, 321, 352, 383, 405, 420, 436, 456, 471, 488, 508, 521, 538, 557, 571, 588, 604, 624, 640, 656, 672, 685, 696, 707, 721  
Legislation of the Year:—  
Borough Constables, 801  
British Sea Fisheries, 800  
Explosive Substances, 768  
Municipal Corporations, 768  
Patents, Designs, and Trade-Marks, 735, 743  
Payment of Wages in Public Houses, 800  
Public Health, 800  
Railways, 800  
Statute Law Revision, 801  
Patents Act, The New, Mr. Cutler, on the, 794  
— New Rules under the, 803  
Police Court Proceedings, 89, 708  
Prosecution of Offences Act, 1879, Rules as to the, 537  
Prudential Assurance Company (Limited), Annual Meeting, 322

R.

RAILWAY COMMISSION PROCEEDINGS, 367

Remuneration Order, The, 212  
—, and the Forthcoming Judicature Rules, the President of the Liverpool Law Society on the, 8

REVIEWS:—

Addison on Contracts, 8th ed., 415  
Baldwin's Law of Bankruptcy, 3rd ed., 179  
Barrett-Lennard, T., Married Women's Property Act, &c., 5  
— The Position in Law of Women, 551  
Bateman's Law of Auctions, 6th ed., 431  
Beal's Practice at Assessment Sessions, 581  
Bedford's Final Examination Guide, 2nd ed., 179  
Bell's Dictionary and Digest of the Law of Scotland, by G. Watson, 329  
Benjamin on Sales of Personal Property, 3rd ed., 666  
Best on Evidence, 7th ed., by J. M. Lely, 231  
Bishop's Commentaries on the Criminal Law, 7th ed., 178  
Bower and Webb's Law relating to Electric Lighting, 6  
Buckley on the Companies Acts, 4th ed., 1883; 362  
Burn and Raymond's Manual of the Law Regulating the Volunteer Forces, 179  
Chalmer's (M. D.) Local Government, 531  
— Bankruptcy Act, 1883; 728  
Chamber's Digest of the Law relating to Municipal Corporations, 497  
Chitty's Practical Statutes, 1882; 53  
Clerke's Settled Land Act, 1882; 231  
Conybeare and Andrew's Married Women's Property Act, 1882, &c., 5  
Crawley's Life Insurance, 100  
Cuttwell's Sketch of the Settled Land Act of 1882; 6  
Cunynghame's Law of Electric Lighting, 614  
Dixon's Law of Divorce, 550  
Dos Passos, J. R., Law of Stockbrokers and Stock Exchanges, 363  
Evans's Solicitors' Remuneration Act, 1881; 550  
Fithian's Bills of Sale Acts, 1878, 1882; 6  
Fitzgerald's Electric Lighting Act, 1882; 6  
Gibson's Intermediate Law Examination Made Easy, 4th ed., 769  
Gibson and Maclean's Student's Practice of the Courts, 6

Reviews (continued):—

Glen's Law of Highways, 580  
Goodeve's Modern Law of Real Property, 648  
Griffith's Married Women's Property Act, 5th ed., by S. W. Bromfield, 292  
Guiry's Bills of Sale Acts, 1878 and 1882; 6  
Harrison's Epitome of the Criminal Law, 179  
Hart's Bankruptcy Act, 1883; 737  
Haynes and Nelham's Honours Examination Digest, 769  
Hewlett (W. O.), Jurisdiction on Scottish Peerage Claims, 581  
— Scottish Dignities, 253  
Higgins and Edwards's Electric Lighting Act, 292  
Hood and Challis's Conveyancing Acts, 1881 and 1882, and the Married Women's Property Act, 1882; 52  
Incorporated Law Society's Calendar, 1883; 345  
Indermaur's Manual of the Practice of the Supreme Court of Judicature, 3rd ed., 769  
— Principles of the Common Law, 3rd ed., 363  
Ivatt's Law of Carriers, 497  
— Lawyer's Companion, 1883; 23  
— Legal Diary, 1883; 23  
Kirchner, F. J., L'Extradition, 415  
Lely's Law of Municipal Corporations, 178  
Lely and Foulkes' Judicature Acts, 4th ed., 769  
Lyon and Redman's Bills of Sale Acts, 1878, 1882; 23  
Macdonell's Law of Master and Servant, 330  
Macmorran's Married Women's Property Act, 1882; 551  
Maine's Early Law and Custom, 728  
Marsden on Perpetuities and Accumulations, 666  
Middleton's Statutes relating to Settled Estates, 3rd ed., 231  
Morgan and Davey's Costs, 2nd ed., 53  
Moyle's Institutes of Justinian, 728  
Newson's Digest of the Law of Shipping and Marine Insurance, 2nd ed., 613  
Oliphant's Law of Horses, 4th ed., by C. E. Lloyd, 53  
Owen's Municipal Corporations Act, 1882; 497  
Pearce's Bills of Sale Acts, 1878 and 1882; 22  
Pello's Law and Practice of Discovery, 649  
Pittar's Law and Practice of Merchant Shipping, 179  
Pitt-Lewis's County Court Practice, 2nd ed., 530  
Reed's Bills of Sale Acts, 1878 and 1882; 6  
Robbin's Settled Land Statutes, 231  
Roshier's Principles of Rating, 581  
Roxburgh's Bankruptcy Act, 1883; 737  
Rubinstein's Conveyancing Acts, 1881, 1882, 4th ed., 363  
— Married Women's Property Act, 1882; 85  
Russell on Arbitration, 6th ed., 160  
Salaman's Analytical Index to the Bankruptcy Act, 1883; 744  
Saunders' Municipal Corporations Act, 1882; 178  
Shearwood's Abridgment of the Law of Real Property, 2nd ed., 179  
— The Law Student's Annual, 180  
Shirley's Leading Cases in Common Law, 2nd ed., 415  
Sichel and Chance's Law Relating to Interrogatories and Discovery, 431, 451  
Simmons' Practice in District Registries of the Common Law Division of the High Court of Justice, 179  
Smith, F. J., Practice in Appellate and Civil Cases at Quarter Sessions, 330  
— J. W., Law of Landlord and Tenant, 3rd ed., by V. T. Thompson, 530  
— H. A., The Married Women's Property Act, 1882; 85  
— Principles of Equity, 100  
— T. E., Summary of the Law and Practice in Admiralty, &c., 100  
Snell's Principles of Equity, 6th ed., 179  
Solicitors' Diary, 1883; 23  
Stephen, Sir J. F., History of the Criminal Law of England, 361  
— Digest of the Criminal Law (Crimes and Punishments), 3rd ed., 614  
— Digest of the Law of Criminal Procedure, 363  
Stephen's Commentaries, 9th ed., 769  
Sutton's Tramway Acts, 551  
Taylor's Medical Jurisprudence, 3rd ed., 550  
Thicknesse's Married Women's Property Act, 1882, &c., 5  
Thorburn, W. D., Commentary on the Bills of Exchange Act, 1882; 253  
Thorpe and Lee's Forms of Conveyancing Costs, 330  
Tidy's Legal Medicine, Part I., 550  
Walker and Elgood on Administration Actions, 597  
Wharton's Law Lexicon, 7th ed., 649  
Whiteway's Hints on Practice, 2nd ed., 769  
— Hints to Solicitors, 550  
Williams and Vine's Municipal Corporations Act, 1882; 178

Royal Courts of Justice, 21  
 — Accommodation in the—Memorial to the Lord Chancellor, 257  
 — First Day at the, 162  
 — Opening of the, 67, 84  
 — Removal of the London Sittings to the, 31, 79, 89, 105, 107, 120, 520  
 Rules, The New, 620, 639, 671, 684

## S.

SETTLED LAND ACT—*In re The Duke of Newcastle's Settled Estates*,  
 Judgment of Mr. Justice Pearson, 519  
 Sheffield District Incorporated Law Society, 298  
 Solicitors' Benevolent Association, 40, 120, 183, 278, 351, 420, 486,  
 569, 638, 801

Solicitors' Cases, 39, 40, 56, 105, 119, 216, 235, 236, 278, 297, 315, 349,  
 350, 434, 450, 451, 467, 484, 485, 499, 518, 566, 567, 568, 653, 682,  
 683, 694  
 Stamp Duties, 281

## U.

UNITED LAW CLERKS' SOCIETY, 570  
 United Law Students' Society, 41, 57, 90, 121, 219, 280, 299, 336, 366,  
 454, 470, 500, 536, 557, 586, 604, 655, 671, 684, 770, 802  
 United States, Invitation of the New York Bar Association to the Lord  
 Chief Justice of England, 357, 738  
 United States Legal Intelligence, 18, 336, 527, 573, 581, 709, 738

## W.

"WITHOUT PREJUDICE," 473  
 Worcester and Worcestershire Incorporated Law Society, 219

THE

# PUBLIC GENERAL STATUTES.

46 & 47 VICTORIÆ, 1883.

---

STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.

---

LONDON: 27, CHANCERY LANE, W.C.

---

1883.



THE

# PUBLIC GENERAL STATUTES

AS OF 1883

STATUTES OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

LONDON: BY CHANCERY LANE, W.C.

# THE PUBLIC GENERAL STATUTES, 1883.

46 & 47 VICTORIÆ.

[STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.]

## CAP. I.

An Act to amend the Consolidated Fund (Permanent Charges Redemption) Act, 1873.  
[20th March 1883.]

## CAP. II.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, and one thousand eight hundred and eighty-four.  
[20th March 1883.]

## CAP. III.

An Act to amend the Law Relating to Explosive substances.  
[10th April 1883.]  
Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Explosive Substances Act, 1883.

2. *Punishment for causing explosion likely to endanger life or property.*] Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction shall be liable to penal servitude for life, or for any less term (not less than the minimum term allowed by law), or to imprisonment with or without hard labour for a term not exceeding two years.

3. *Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.*] Any person who, within or (being a subject of Her Majesty) without Her Majesty's dominions unlawfully and maliciously—

(a.) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in the United Kingdom, of a nature likely to endanger life or to cause serious injury to property; or

(b.) makes or has in his possession, or under his control, any explosive substance, with intent by means thereof to endanger life, or cause serious injury to property, in the United Kingdom, or to enable any other person by means thereof to endanger life or cause serious injury to property in the United Kingdom,

shall, whether any explosion does or not take place, and whether any injury to person or property has been actually caused or not, be guilty of felony, and on conviction shall be liable to penal servitude for a term not exceeding twenty years, or to imprisonment with or without hard labour for a term not exceeding two years, and the explosive substance shall be forfeited.

4. *Punishment for making or possession of explosive under suspicious circumstances.*] (1.) Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be guilty of felony, and, on conviction, shall be liable to penal servitude for a term not exceeding fourteen years, or to imprisonment for a term not exceeding two years with or without hard labour, and the explosive substance shall be forfeited.

(2.) In any proceeding against any person for a crime under this section, such person and his wife, or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

5. *Punishment of accessories.*] Any person who within or (being a subject of Her Majesty) without Her Majesty's dominions by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any crime under this Act, shall be guilty of felony, and shall be liable to be tried and punished for that crime, as if he had been guilty as a principal.

6. *Inquiry by Attorney-General, and apprehension of absconding witnesses.*] (1.) Where the Attorney-General has reasonable ground to believe that any crime under this Act has been committed, he may order an inquiry under this section, and thereupon any justice for the county, borough, or place in which the crime was committed, or is suspected to have been committed, who is authorised in that behalf by the Attorney-General, may, although no person may be charged before him with the commission of such crime, sit at a police-court, or petty, sessional, or occasional court-house, or police station in the said county, borough, or place, and examine on oath concerning such crime any witness appearing before him, and may take the deposition of such witness, and, if he see cause, may bind such witness by recognisance to appear and give evidence at the next petty sessions, or when called upon within three months from the date of such recognisance; and the law relating to the compelling of the attendance of a witness before a justice, and to a witness attending before a justice and required to give evidence concerning the matter of an information or complaint, shall apply to compelling the attendance of a witness for examination, and to a witness attending under this section.

(2.) A witness examined under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself; but any statement made by any person in answer to any question

put to him on any examination under this section shall not, except in the case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding, civil or criminal.

(3.) A justice who conducts the examination under this section of a person concerning any crime shall not take part in the committing for trial of such person for such crime.

(4.) Whenever any person is bound by recognisance to give evidence before justices, or any criminal court, in respect of any crime under this Act, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested, any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognisance to give evidence, unless in the meantime he produces sufficient sureties: Provided that any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.

7. *No prosecution except by leave of Attorney-General—Procedure and saving.*] (1.) If any person is charged before a justice with any crime under this Act, no further proceeding shall be taken against such person without the consent of the Attorney-General, except such as the justice may think necessary by remand, or otherwise, to secure the safe custody of such person.

(2.) In framing an indictment the same criminal act may be charged in different counts as constituting different crimes under this Act, and upon the trial of any such indictment the prosecutor shall not be put to his election as to the count on which he must proceed.

(3.) For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this Act, when committed out of the United Kingdom, shall be deemed to have been committed in the place in which such person is apprehended or is in custody.

(4.) This Act shall not exempt any person from any indictment or proceeding for a crime or offence which is punishable at common law, or by any Act of Parliament other than this Act, but no person shall be punished twice for the same criminal act.

8. *Search for and seizure of explosive substances.*]

(1.) Sections seventy-three, seventy-four, seventy-five, eighty-nine, and ninety-six of the Explosives Act, 1875 (which sections relate to the search for, seizure, and detention of explosive substances, and the forfeiture thereof, and the disposal of explosive substances seized or forfeited), shall apply in like manner as if a crime or forfeiture under this Act were an offence or forfeiture under the Explosives Act, 1875.

(2.) Where the master or owner of any vessel

has reasonable cause to suspect that any dangerous goods or goods of a dangerous nature which, if found, he would be entitled to throw overboard in pursuance of the Merchant Shipping Act, 1873, are concealed on board his vessel, he may search any part of such vessel for such goods, and for the purpose of such search may, if necessary, break open any box, package, parcel, or receptacle on board the vessel, and such master or owner, if he finds any such dangerous goods or goods of a dangerous nature shall be entitled to deal with the same in manner provided by the said Act, and if he do not find the same, he shall not be subject to any liability, civil or criminal, if it appears to the tribunal before which the question of his liability is raised that he had reasonable cause to suspect that such goods were so concealed as aforesaid.

9. *Definitions, and application to Scotland.* (1.) In this Act, unless the context otherwise requires,—

The expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

The expression "Attorney-General" means Her Majesty's Attorney-General for England or Ireland, as the case may be, and in case of his inability or of a vacancy in the office, Her Majesty's Solicitor-General for England or Ireland, as the case requires.

(2.) In the application of this Act to Scotland the following modifications shall be made:

The expression "Attorney-General" shall be deemed to mean the Lord Advocate, and in case of his inability or of a vacancy in the office, Her Majesty's Solicitor-General for Scotland.

The expression "petty sessional court-house" shall be deemed to mean the sheriff court.

The expression "felony" shall be deemed to mean a high crime and offence.

The expression "recognition" shall be deemed to mean juratory caution.

The expression "justice" shall include sheriff and sheriff-substitute.

#### CAP. IV.

An Act for enabling the Trustees and Director of the National Gallery to lend Works of Art to other Public Galleries in the United Kingdom. [10th April 1883.]

#### CAP. V.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four. [10th April 1883.]

#### CAP. VI.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [26th April 1883.]

#### CAP. VII.

An Act to amend the Bills of Sale (Ireland) Act, 1879. [26th April 1883.]

#### CAP. VIII.

An Act to amend the Glebe Loans (Ireland) Acts. [31st May 1883.]

#### CAP. IX.

An Act to make further provision for taking dues for repairing and improving the Harbours in the Isle of Man. [31st May 1883.]

#### CAP. X.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [31st May 1883.]

#### CAP. XI.

An Act to provide for Expenses incurred by Guardians of the Poor in relation to Poor Law Conferences. [18th June 1883.]

Whereas doubts have arisen as to the power of guardians of the poor to charge the rates with the payment of expenses incurred in attending conferences for the discussion of matters connected with the duties which devolve on them, and in purchasing reports of such conferences:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Poor Law Conferences Act, 1883.

2. *Conference expenses.* The guardians of any union may, when empowered by and subject to any regulations made by the Local Government Board (which regulations the said Board is hereby authorised from time to time to make, vary, or rescind), pay the reasonable expenses of any guardian or guardians, or clerk to the guardians, incurred in attending any conference of guardians held for the purpose of discussing any matter which is connected with the duties which devolve on them, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference, and may charge the amount to their common fund, or, if they have no common fund, to the fund under their control.

3. *Interpretation.* Expressions used in this Act have the same respective meanings as they have in the Poor Law Act, 1879.

#### CAP. XII.

An Act to amend the Act for the Prevention of Crime in Ireland, 1882, as to the Audience of Solicitors. [18th June 1883.]

#### CAP. XIII.

An Act to apply the sum of five million nine hundred and seventy-three thousand nine hundred and twelve pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four. [18th June 1883.]

#### CAP. XIV.

An Act to amend the Laws relating to the Pay and Pensions of the Royal Irish Constabulary and the Police Force of Dublin Metropolis; and for other purposes. [18th June 1883.]

#### CAP. XV.

An Act to amend the Lands Clauses Consolidation Act, 1845. [18th June 1883.]

Whereas it is expedient that the provisions contained in the Lands Clauses Consolidation Act, 1845, in relation to the appointment of umpires should be amended:

Be it therefore enacted, &c.:

1. *Amendment of s. 28 of 8 Vict. c. 18, extending the power of appointment of umpire by Board of Trade.* The following words in section twenty-eight of the Lands Clauses Consolidation Act, 1845, are hereby repealed, that is to say, "in any case in which a railway company shall be one party to the arbitration, and two justices in any other case," and that section shall, in relation to the appointment of any umpire under the provisions thereof after the passing of this Act, apply as if such words were omitted, and the same section shall accordingly be read and have effect as follows:

28. If in either of the cases aforesaid the said arbitrators shall refuse or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

2. *Short title.* This Act may be cited as the Lands Clauses (Umpire) Act, 1883.

#### CAP. XVI.

An Act to grant a sum of money to Admiral Baron Alcester, G.C.B., in consideration of his eminent services. [29th June 1883.]

#### CAP. XVII.

An Act to grant a sum of money to General Baron Wolseley of Cairo, G.C.B., G.C.M.G., in consideration of his eminent services. [29th June 1883.]

#### CAP. XVIII.

An Act to make provision respecting certain Municipal Corporations and other Local Authorities not subject to the Municipal Corporation Act. [29th June 1883.]

Whereas Commissioners were appointed by His late Majesty King William the Fourth (in this Act referred to as the Commissioners of 1834) to inquire into Municipal Corporations in England and Wales, and made reports respecting divers corporations, including most of those mentioned in the schedules to this Act:

And whereas the Municipal Corporation Acts consolidated and repealed by the Municipal Corporations Act, 1882, were passed and applied to most of the places mentioned in the above report, but not those which are mentioned in the schedules to this Act:

And whereas Commissioners were appointed by Her Majesty to inquire into Municipal Corporations not subject to the Municipal Corporation Acts (in this Act referred to as the Commissioners of 1876), and have made reports to Her Majesty respecting the places mentioned in the schedules to this Act, and it is expedient to make the provisions hereinafter appearing respecting those places:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Municipal Corporations Act, 1883.

2. *Abolition of special judicial bodies, exclusive rights of trading, exempting from juries, &c.* On and after the twenty-fifth day of March one thousand eight hundred and eighty-six, or such later day not after the twenty-ninth day of September one thousand eight hundred and eighty-six, as Her Majesty in Council may in the case of any place or places appoint, the following provisions shall (subject to the savings for vested interests and other provisions contained in this Act) apply to each of the places mentioned in the schedules to this Act; that is to say,

(1.) All civil, criminal, and Admiralty jurisdiction of any corporate officer, court, or judge of the said place appointed or holding office under any charter, grant, or prescription shall cease, whether such jurisdiction is conferred by such charter, grant, or prescription, or by any Act, and the place shall be subject to the same jurisdiction as the part of the county in which it is situate or to which it adjoins, and if it adjoins more than one county or part of a county, then as the county or part with which it has the longest common boundary:

(2.) All exclusive rights of trading, local exemptions from juries and other local franchises, privileges, and exemptions existing under any charter or grant or prescription shall cease.

3. *Future abolition of corporations, except as provided by new charter or by scheme under 40 & 41 Vict. c. 69.* On and after the twenty-fifth day of March one thousand eight hundred and eighty-six, or such later day, not after the twenty-ninth day of September one thousand eight hundred and eighty-six, as Her Majesty in Council may, in the case of any place or places, appoint, the following provisions shall (subject to the savings for vested interests and other provisions contained in this Act) apply to each of the places mentioned in the schedules to this Act to which Her Majesty may not be pleased before the said day to grant a new charter; that is to say,

(a.) The place shall not be a corporate town or borough, and any municipal or other corporation thereof existing under any charter or grant or prescription shall be dissolved:

(b.) All property of any corporation in the place which is dissolved by this Act, or of any person as member or officer thereof, or of any court or judge whose jurisdiction is



abolished by this Act, shall be applied for the public benefit of the inhabitants of the place in such manner as may be for the time being provided by a scheme of the Charity Commissioners, or, in a case where a scheme is made by the Local Government Board, by that scheme, and shall vest in such persons or body corporate as may be specified in such scheme.

(2.) Provided that until any such scheme takes effect, the said property shall continue to be held, managed, and enjoyed as heretofore, in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, management, and enjoyment, and for that purpose the persons managing the property shall continue in like manner as if they were a body constituted by the scheme for the administration of such property, but the legal estate in the property shall vest in the official trustees.

4. *Saving for new charters and for charities.* Nothing in this Act shall prevent the application to any place of any charter applying the Municipal Corporation Acts which Her Majesty may be pleased to grant, or affect anything done in pursuance of those Acts or any scheme thereunder, and shall not affect the operation of any such charter, thing, or scheme; save that nothing in the said Acts or scheme shall authorise the establishment or continuance of any court for the trial of civil actions.

(2.) Nothing in this Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

5. *Inquiry as to places mentioned in first part of First Schedule.* Whereas the Commissioners of 1876 reported that the places mentioned in the first part of the First Schedule to this Act might be dealt with by being subjected to the provisions of the Municipal Corporations Act, 1835, and the Acts amending the same, as if they were mentioned in Schedule B. of the Municipal Corporations Act, 1835; Be it therefore enacted as follows:—

(1.) As soon as conveniently may be after the passing of this Act, the Privy Council shall cause an inquiry to be made into the expediency of advising Her Majesty to grant a charter extending the Municipal Corporation Acts to the several places mentioned in the first part of the First Schedule to this Act, and also whether it is expedient that any adjoining district not included in the existing corporations shall be included in the places to which such charters may be granted, and shall report to Her Majesty thereon.

(2.) The expenses of such inquiry shall be regulated by the Commissioners of Her Majesty's Treasury, and paid out of moneys provided by Parliament.

(3.) Nothing in this section shall require an inquiry to be held with respect to any place with respect to which a similar inquiry has been held since the first day of January one thousand eight hundred and seventy-nine.

6. *Power to Privy Council to preserve certain courts and officers.* The Privy Council, upon being satisfied by any applicants after inquiry that it is expedient for the public so to do, may, by order, provide for retaining any court leet or other court or any officer, whether as returning officer for the return of members to serve in Parliament, or as town clerk for the purpose of the registration of parliamentary voters, or otherwise, and for the appointment of any officer so retained, subject in every case to such exceptions, restrictions, and modifications as seem expedient.

(2.) Subject to the provisions of any Order of the Privy Council, any person who at the passing of this Act holds an office by virtue of which he is such returning officer or town clerk as aforesaid may during the time limited for the tenure of his office continue to perform the duties of such returning officer or town clerk as aforesaid, and on the expiration of such time, or his otherwise ceasing to perform the duties, the said duties shall, so far as regards the returning officer, be performed in manner provided by the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter fifty-seven, intitled "An Act to amend the law relating to the appointment of returning officers in certain cases,"

and so far as regards the town clerk shall be performed by the person in the parliamentary borough who is town clerk within the meaning of section one hundred and one of the Parliamentary Registration Act, 1843.

7. *Scheme of Local Government Board respecting places under local boards or improvement commissioners.* Whereas there are local boards or improvement commissioners in some of the place mentioned in the First Schedule to this Act, and the Commissioners of 1876 reported that it might be expedient to establish local boards in other of such places; Be it therefore enacted as follows:

(1.) Where any part of any of the places mentioned in any of the schedules to this Act is comprised in the district of any local board or improvement commissioners, whether established before or after the passing of this Act, and Her Majesty is not pleased to grant a charter to such place, the Local Government Board, after such local inquiry as they think expedient, may, at any time before any corporation in the said place becomes abolished by this Act, make such scheme as might be made by the Committee of Council under part eleven of the Municipal Corporations Act, 1882:

(2.) Sections two hundred and thirteen and two hundred and fourteen of and the Seventh Schedule to that Act shall, so far as is consistent with the tenour thereof, apply accordingly as if they were her-in re-enacted, with the substitution of the Local Government Board for the Committee of Council, and of the said district for borough, and with a limitation to the purposes of this section:

(3.) A scheme may be made as aforesaid for the purpose of amending any previous scheme under this section:

(4.) Sections two hundred and ninety-four, two hundred and ninety-five, and two hundred and ninety-six of the Public Health Act, 1875, shall, so far as is consistent with the tenour thereof, apply to any local inquiry held by order of the Local Government Board for the purposes of this section.

8. *Power of Charity Commissioners.* (1.) The Charity Commissioners may provide, by the appointment of interim trustees and otherwise, for the security and proper management and application of the property, for the application of which such Commissioners have, or may in certain events have, power under this Act to make a scheme.

(2.) If any such property has after the first day of March, one thousand eight hundred and eighty-three, and before the date at which a charter or a scheme under this Act, or the Municipal Corporations Act, 1882, as the case may be, takes effect, been alienated by way of sale, mortgage, grant, lease, charge, or otherwise, and such alienation has not been made in pursuance of some covenant, contract, or agreement bona fide made or entered into on or before the said first day of March, or of some resolution duly entered in the Corporation books of the Corporation on or before the said first day of March, or in pursuance of any right saved by this Act, and such alienation has been made collusively, and for no consideration, or for insufficient consideration, such alienation may be set aside in the like proceedings (instituted with the consent of the Charity Commissioners or of the Attorney-General) and in like manner as a lease of land of a charity granted without due consideration may be set aside: Provided that if a charter is granted, or a scheme made whereby the property is affected, the said proceedings shall be commenced within one year after the charter or scheme takes effect.

(3.) Anything authorised by this Act to be done by the Charity Commissioners may be done by an order of those Commissioners, which may be made in like manner as if the property were the endowment of a charity, and application had been made as provided by the Charitable Trusts Acts, 1853 to 1869; and an order of the Charity Commissioners may be made at any time after the passing of this Act, so, however, that the order shall not take effect until such date as the Charity Commissioners fix as being, in their opinion, under the circumstances of the case, most consistent with the purposes of this Act.

(4.) Any corporation or person directly affected by any order of the Charity Commissioners under this Act in relation to any property made before a scheme under this Act has provided for the application of such property, or directly affected by the order of the Charity Commissioners which first establishes a scheme providing for the application of such property, may, if aggrieved by the order, appeal (except as herein-after provided) to the Privy Council, and the Privy Council, after considering the objections to the order and, if it seem necessary, hearing the parties, may make such order as, in their opinion, the Charity Commissioners ought to have made, and such order shall have the same effect under this Act as if made by the Charity Commissioners, and an appeal shall not lie to the High Court of Justice under the Charitable Trusts Acts, 1853 to 1869, against any order against which an appeal to the Privy Council can be had in pursuance of this enactment.

(5.) After a scheme has been made under this Act providing for the application of any property the Charitable Trusts Acts, 1853 to 1869, shall apply in all respects as if the scheme were a scheme made in pursuance of those Acts, and the property shall for the purpose of those Acts be deemed to be the endowment of a Charity.

9. *Provision as to property and transfer thereof.*

(1.) All property by this Act vested in the official trustees or any body corporate or persons shall, so far as the same can be transferred by this Act, be transferred by virtue of this Act, and so far as the same cannot be so transferred, be held in trust for those trustees, body corporate, or persons, and shall be vested for the same estate and interest, and subject to the same liabilities, for and subject to which such property was held at the time immediately before the same becomes so vested.

(2.) For the purposes of this Act the expression "property" includes all property, real and personal, and all things in action, and all rights of common or commonable rights, and rights to toll, and all franchises, privileges, and rights which have any pecuniary value, and all charters, records, deeds, books, and documents, and includes any estate or interest, legal or equitable, in any property as so defined; and all property held, enjoyed, claimed, or administered by any corporation, court, judge, or person shall for the purposes of this Act be deemed to be the property of such corporation or person.

(3.) All powers and duties conferred or imposed by any local Act of Parliament (including a Provisional Order confirmed by Parliament) on, and all trusts administered by, any corporation abolished by this Act, or any officers or nominees of such corporation, either alone or jointly with other persons, shall vest in and be exercised, and performed, and administered by such persons as may be provided by a scheme under this Act, and until such scheme takes effect by the same persons as at the passing of this Act.

(4.) Any question which may arise as to whether anything is property within the meaning of this Act, or as to whether anything is vested in the official trustees or any body corporate or persons as provided by this Act, shall in the first instance be decided by the Charity Commissioners, subject, nevertheless, to an appeal to the High Court of Justice, as provided by section eight of the Charitable Trusts Act, 1860, and such appeal may be presented by any person interested or claiming to be interested in the property, and the provisions of this Act with respect to an appeal to the Privy Council shall not apply.

10. *Reservation of rights of property and beneficial exemptions to freemen, their wives and children.* (1.) Every person who now is or hereafter may be an inhabitant of any borough mentioned in any of the schedules to this Act, and also every person who has been admitted or might hereafter have been admitted a freeman or burgess of any such borough if this Act had not been passed, or who now is or hereafter may be the wife or widow or son or daughter of any freeman or burgess, or who may have espoused or may hereafter espouse the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements, and hereditaments, and of

the rents and profits thereof, and of the common lands and public stock of any such borough or any municipal or other corporation thereof, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any corporation may be seized or possessed in whole or in part for any charitable uses or trusts, as fully and effectually, and for such time and in such manner as he or she by any statute, charter, byelaw, or custom in force at the time of passing this Act might or could have had, acquired, or enjoyed in case this Act had not been passed: Provided that—

(a.) The total amount to be divided amongst the persons whose rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of municipal officers, and all other lawful expenses, which on the first day of March one thousand eight hundred and eighty-three were defrayed out of or chargeable upon the same:

(b.) Nothing herein-before contained shall be construed to apply to any claim, right, or title of any burgesses or freemen, or of any person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any borough or corporation; and after the passing of this Act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any corporation except as herein-after is excepted:

(c.) Nevertheless, every person who on the said first day of March was an inhabitant or was entitled to be admitted a freeman or burgess of any borough mentioned in any of the schedules to this Act, or who on the said first day of March was the wife or widow, son or daughter, of any freeman or burgess of any such borough, or who on the said first day of March was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any borough or corporation as fully and for such time and in such sort as he or she by any statute, charter, byelaw, or custom in force on the first day of March might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise:

(d.) Where, by any statute, charter, byelaw, or custom in force at the time of passing this Act within any of the boroughs mentioned in any of the schedules to this Act, any person whose rights in this behalf are herein reserved would have been liable in case this Act had not been passed to pay any fine, fee, or sum of money to any corporation, or to any member, officer, or servant of any corporation, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee, or sum of money to the treasurer of such borough, elected under the Municipal Corporations Act, 1882, or to such other person as may be appointed in that behalf by a scheme under that Act or under this Act;

(e.) Nothing in this Act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which, if this Act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the provisions of this Act, or to strengthen, confirm, or affect any claim, right, or title of any burgesses or freemen of any borough or corporation, or of any person, to the benefit of any such rights as are herein-before reserved, but the same in every case may be brought in question, impeached, and set aside in like manner as if this Act had not been passed.

(2.) From and after the passing of this Act no person shall be elected, made, or admitted a burgess or freeman of any borough mentioned in any of the schedules to this Act by gift or purchase.

(3.) Every scheme under the Municipal Corporations Act, 1882, or this Act, shall, if need be, provide for carrying this section into effect, and for the enrolment of persons from time to time entitled under this section, and a scheme may be made for that purpose or for the purpose of managing any property to which the said persons may be for the time being entitled.

11. *Saving for vested interests.* (1.) If any person alleges that he is by virtue of this Act deprived of any emolument or pecuniary profit, or any other profit of a pecuniary value, he may apply to the Local Government Board, and that Board, if satisfied that the allegation is true, and that under all the circumstances the applicant ought, if deprived thereof, to receive compensation for the same, may order that he shall continue to enjoy such emolument or profit, or shall receive such compensation for the same as the Board may think just, and if the compensation is pecuniary, the money shall (and if necessary from time to time) be raised in such manner or paid out of such funds (being, so far as may be, the same manner of funds in or out of which the emolument or profit was previously raised or paid) as the order directs.

(2.) All liabilities of any corporation, court, judge, or officer abolished by this Act, existing at the time of such abolition, shall be discharged out of the same funds and in the same manner, as near as may be, as they would have been if this Act had not passed; and the Local Government Board, on the application of any person interested, may by order provide in such manner as they think expedient for the discharge of such liabilities.

(3.) For the purposes of this section, a rate, toll, or due may continue to be levied, and may be made, assessed, levied, and collected by such persons as the Local Government Board direct, in like manner as if they were the persons who, if this Act had not passed, would have been authorised to make, assess, and levy such rate, toll, or due.

(4.) An order under this section may be made an order of the High Court of Justice, and may be enforced accordingly.

12. *Saving for powers of Committee of Council and Charity Commissioners.* Nothing in this Act shall be in derogation of any power otherwise vested in the Committee of Council, or the Charity Commissioners, and the Committee of Council and Charity Commissioners may exercise for the purposes of this Act all powers otherwise vested in them in relation to boroughs and charities respectively.

13. *Saving as to Cinque Ports.* With respect to any cinque port or ancient town or member of a cinque port mentioned in the schedules to this Act, the following provisions shall have effect:—

(1.) Nothing in this Act shall diminish the jurisdiction of the Court of Admiralty of the Cinque Ports within the boundaries defined by the Act of the session of the first and second years of the reign of King George the Fourth, chapter seventy-six, intitled "An Act to continue and amend certain Acts for preventing the various frauds and depredations committed on merchants, ship-owners, and underwriters by boatmen and others within the jurisdiction of the Cinque Ports; and also for remedying certain defects relative to the adjustment of salvage under a statute made in the twelfth year of the reign of Her late Majesty Queen Anne," or of any commissioners appointed in pursuance of that Act:

(2.) Nothing in this Act shall increase the authority or jurisdiction which any cinque port, or any court, justice, or officer of a cinque port, has over any member of a cinque port, notwithstanding that that member is, in pursuance of this Act, no longer corporate:

(3.) The non-corporate members of any such cinque port or ancient town shall form part of the body of the county, and hundred, and other division in which those members are respectively situate.

14. *Saving as to Winchelsea.* In the event of a charter not being granted to Winchelsea the property of the corporation of Winchelsea shall continue to be held, managed, and enjoyed as heretofore, in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, management, and enjoyment, and for that purpose the corporation of Winchelsea shall continue undissolved in like manner as if it were constituted by the said scheme; and, notwithstanding anything in this Act, Winchelsea shall continue to be entitled an ancient town of the Cinque Ports.

15. *Provision as to local authorities and officers.* (1.) Every body referred to in the First Schedule to this Act shall, notwithstanding any mistake in the name or description thereof, be subject to this Act, as a corporation, and be deemed to be a local authority within the meaning of section two hundred and thirteen of the Municipal Corporations Act, 1882.

(2.) Any mayor, jurat, recorder, justice of the peace, coroner, bailiff, sergeant, inspector, or constable, or any other officer by whatever name called, having or claiming the authority of any judge or officer above named, shall be deemed to be included in this Act in the expression judge or officer, as the case may be.

(3.) Where in any report of the Commissioners of 1876, any corporation, court, sessions, judge, recorder, justice, coroner, constable, inspector, authority, or officer, or any franchise, privilege, right, or exemption, or any property, is mentioned in connection with any place mentioned in the schedules to this Act, that mention shall be evidence that the same is subject to this Act.

16. *Saving for rights of voting and acts done.* (1.) Nothing in this Act shall affect the right enjoyed by any person at the passing of this Act to vote for any member or members to serve in Parliament.

(2.) The abolition by this Act of any jurisdiction shall not affect anything done in pursuance of such jurisdiction before it is abolished; any offence committed before such abolition may be prosecuted, tried, and punished as if the jurisdiction had been abolished at the time when the offence was committed.

17. *Saving for Romney Marsh.* Whereas it appears from the Report of the Commissioners of 1876, that doubt exists as to whether the corporation mentioned in Part II. of the First Schedule to this Act, as existing or reputed to exist in Romney Marsh, is a municipal corporation, and it is expedient to make such provision respecting the same and respecting the lords bailiff and jurats of Romney Marsh as herein-after contained; Be it therefore enacted as follows:

(1.) The reputed corporation of the bailiff jurats and commonalty of Romney Marsh shall, notwithstanding anything in this Act, continue to exist, and to elect officers, and to hold the property vested in them, but any such corporation shall not have or exercise any municipal rights or powers; and all property vested in such corporation shall continue to be applicable for the purposes to which it is at present by law applicable or otherwise for the benefit of the inhabitants of the said place.

(2.) Notwithstanding anything in this Act, the bailiff and justices of the corporation of Romney Marsh shall continue to be appointed and elected, as nearly as may be, in like manner as heretofore, and to have authority as justices in like manner as if they were justices assigned by a commission from Her Majesty in a liberty not having a separate court of quarter sessions.

(3.) The reputed corporation of the lords bailiff and jurats of Romney Marsh shall not be deemed a municipal corporation, and notwithstanding anything in this Act shall continue to exist, to elect officers, to hold the property vested in them, and to exercise the same powers as heretofore, and all property vested in such corporation shall continue to be applicable for the purposes to which it is at present by law applicable or otherwise for the benefit of the inhabitants of the said place.

18. *Saving for Havering-atte-Bower.* Whereas it



appears from the Report of the Commissioners of 1876 that doubt exists whether the corporation of Havering-atte-Bower is a municipal corporation, and whether an Order in Council for the union of Havering-atte-Bower to the county of Essex might be made in pursuance of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter one hundred and five, intituled "An Act for facilitating the union of liberties with the counties in which they are situate," upon the petition of the justices of the said county, without any petition from the justices of Havering-atte-Bower: Be it therefore enacted as follows:

Nothing in this Act shall be deemed to apply to Havering-atte-Bower or to the justices or corporation or reputed corporation thereof, save that it shall be lawful that an Order in Council be made for uniting Havering-atte-Bower to the county of Essex, in pursuance of the recited Act, upon the petition either of the justices of the said county or of the justices of Havering-atte-Bower.

19. *Saving for local Act relating to Alnwick.*] Notwithstanding anything in this Act, the corporation referred to in the Alnwick Corporation Act, 1882, shall continue to be a corporation and to hold and administer the property vested in such corporation at the passing of this Act, and shall apply the same for the purposes mentioned in the said Alnwick Corporation Act, 1882, and the maintenance as heretofore of the Corporation schools, or for any other public or charitable purposes; and the provisions of this Act with respect to an inquiry by the Privy Council or the Local Government Board, or with respect to a scheme by the Local Government Board, shall not apply to Alnwick, and this Act shall not affect the provisions of the said Alnwick Corporation Act, 1882.

20. *Saving as to Laugharne and Malmesbury.*] Whereas in Laugharne and Malmesbury divers members of the Corporation, whether called burgesses, landholders, or any other name, have the right to occupy without rent or at low rents certain property belonging to the Corporation, and it is expedient to make provision with respect to such property, be it enacted as follows:

(1.) In the event of a charter not being granted to Laugharne or Malmesbury, the property of the corporation of the place to which a charter is not so granted shall continue to be held, managed, and enjoyed as heretofore, in like manner as if a scheme of the Charity Commissioners, in pursuance of this Act, had provided for such holding, enjoyment, and management, and for that purpose the corporation in the said place shall continue undissolved in like manner as if it were constituted by the said scheme.

(2.) The corporation of such place, subject to the approval of the Charity Commissioners, may sell all or any of the property of the corporation for the best price that may be got for the same; and, after compensating or saving the rights of any person in such property, whether existing or prospective, may pay the proceeds to any public authority in the locality, to be applied by such authority for the benefit of the inhabitants of the said place.

(3.) The provisions of this Act and of the Municipal Corporations Act, 1882, for saving the rights and interests of freemen and of persons who might have become freemen shall extend to the rights and interests of persons who are or if this Act had not passed might have become landholders, assistant burgesses, or capital burgesses in Malmesbury, and for that purpose freemen of Malmesbury may continue to be elected landholders, assistant burgesses, and capital burgesses.

21. *Saving for Newport, Pembroke.*] Whereas it appears from the report of the Commissioners of 1876 that the office of mayor of Newport (Pembroke) is purely honorary, and that the corporation has no revenue and no municipal function: Be it therefore enacted as follows:

Nothing in this Act shall be deemed to prevent the election of the mayor of Newport (Pembroke) as heretofore, or to dissolve the corporation of Newport (Pembroke), or deprive the lord of the

manor or the burgesses of any tolls, rights of common, or other rights of pecuniary value.

22. *Saving for Over.*] Whereas it appears from the Report of the Commissioners of 1876 that the corporation of Over has no revenue, and no municipal function, and that the mayor of Over, elected at the court leet, has a magisterial but no other jurisdiction: Be it therefore enacted as follows:

Nothing in this Act shall be deemed to prevent the holding of the court leet, and the election by such court of the mayor of Over as heretofore, but such mayor shall not, as such, have the jurisdiction of a justice, whether for criminal, licensing, or any other purpose.

23. *Saving for Altrincham.*] Whereas it appears from the report of the Commissioners of 1876 that the corporation of Altrincham has no municipal function, and that the mayor of Altrincham elected at the court leet has no jurisdiction, be it therefore enacted as follows:

Nothing in this Act shall be deemed to prevent the holding of the court leet and the election by such court of the mayor of Altrincham as heretofore, but such mayor shall not have any jurisdiction magisterial, municipal, or other.

24. *Saving for lord of the manor of Corfe Castle.*] Nothing in this Act shall deprive the lord of the manor of Corfe of any title enjoyed by him under any charter.

25. *Saving for certain rights.*] (1.) Nothing in this Act shall diminish the liability of the owner or occupier of any tenement to any rent or sum payable under any charter granted to any corporation mentioned in the Schedules to this Act, and any person entitled to receive such rent or sum shall have the same right and remedy for recovering the same as prior to the passing of this Act, and also upon the abolition by this Act of the corporation under the charter shall have the power of such corporation or of any officer of such corporation to enforce payment of such rent or sum.

(2.) The provisions of this section and of the other parts of this Act for protecting the rights of persons interested shall have effect in favour of Her Majesty, her heirs and successors, and of any body corporate, not being a corporation abolished by this Act, in like manner as if Her Majesty, her heirs and successors, and such body corporate, were included in the term person.

(3.) Nothing in this Act shall affect the legal proceedings pending at the passing of this Act on the information of the Attorney General against the corporation of the mayor and burgesses of Holt, and certain members of that corporation, and for the purpose of such proceedings the said corporation shall continue to be and to act as a corporation, and the mayor, bailiffs, and burgesses shall continue to be elected and appointed in like manner as if this Act had not passed, and any liabilities of such corporation under any judgment, decree, or order in such legal proceedings shall be deemed for the purposes of this Act to be liabilities of the corporation existing at the time of the abolition thereof.

26. *Repeal of Acts and charters.*] (1.) So much of any Act, law, charter, or usage as is inconsistent with this Act is hereby repealed.

(2.) The Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter seventy-one, intituled "An Act to amend the law concerning the making of borough rates in boroughs not within the Municipal Corporations Acts," shall, on and after the first day of January one thousand eight hundred and eighty-six, or such later day, not after the first day of September one thousand eight hundred and eighty-six, as Her Majesty in Council may appoint, be repealed, without prejudice to any rate previously made in pursuance of that Act, and without prejudice to the making of any rate which is by this Act authorised to be made; and any such rate may be made, levied, collected, and applied, as nearly as may be, as if the said Act had not been repealed.

27. *Definitions.*] In this Act, unless the context otherwise requires—

The expression "Privy Council" means the Lords of Her Majesty's most Honourable Privy Council, or any two of them;

The expression "Committee of Council" means a Committee of the said Lords;

The expression "Municipal Corporation Acts" has the same meaning as in the Municipal Corporations Act, 1882;

The expression "Charity Commissioners" means the Charity Commissioners for England and Wales;

The expression "official trustees" means, as respects real property, the official trustee of charity lands, and as respects all other property, the official trustees of charitable funds, acting under the Charitable Trusts Acts, 1853 to 1869.

## SCHEDULES.

### FIRST SCHEDULE.

PLACES REPORTED ON BY THE COMMISSIONERS OF 1876

#### PART I.

Places to which the Commissioners of 1876 consider that the Municipal Corporation Acts might be applied.

Places.	Corporation or reputed Corporation.
Aldeburgh . . .	"The bailiff and burgesses of the borough of Aldeburgh."
Alnwick . . .	"The chamberlains, common council, and freemen."
Appleby . . .	"The mayor, aldermen, and capital burgesses."
Bishop's Castle . . .	"The bailiff and burgesses of the borough of Bishop's Castle."
Bradninch . . .	"The mayor and burgesses of the borough of Bradninch."
Christchurch . . .	"The mayor and burgesses of the borough of Christchurch."
Henley-on-Thames . . .	"The mayor, aldermen, bridgemen, and burgesses of Henley-on-Thames."
Kidwelly . . .	"The mayor, aldermen, bailiffs, and burgesses."
Llanfyllin . . .	"The bailiffs and burgesses of the borough of Llanfyllin."
Lostwithiel . . .	"The mayor, and burgesses of Lostwithiel."
Lydd . . .	"The bailiffs, jurats, and commonalty of the town of Lydd."
Malmesbury . . .	"The aldermen and burgesses of the borough of Malmesbury."
Montgomery . . .	"The bailiffs and burgesses of the borough of Montgomery."
New Romney . . .	"The mayor, jurats, and commonalty of the town and port of New Romney."
Okehampton . . .	"The mayor and burgesses of the town and borough of Okehampton."
Over . . .	"The mayor of Over."
Queenborough . . .	"The mayor, jurats, bailiffs, and burgesses of Queenborough."
Radnor . . .	"The bailiff, aldermen, and burgesses of New Radnor."
Saltash . . .	"The mayor and free burgesses of the borough of Saltash."
Sutton Coldfield . . .	"The warden and society of the royal town of Sutton Coldfield."
Wareham . . .	"The mayor, capital burgesses, and assistants of the borough of Wareham."
Wilton . . .	"The mayor and burgesses of the borough of Wilton."
Wokingham . . .	"The aldermen and burgesses of the town of Wokingham."
Woodstock . . .	"The Mayor and commonalty of the borough of New Woodstock."
Wootton Bassett . . .	"The mayor, aldermen, and burgesses of the borough of Wootton Bassett."



## PART II.

Places not mentioned by the Commissioners of 1876 as places to which the Municipal Corporation Acts might be applied.

Places.	Corporation or reputed Corporation.
Alresford . . .	" Bailiff and burgesses of New Alresford."
Altrincham . . .	" The mayor, aldermen, and burgesses of the borough of Altrincham."
Axbridge . . .	" The mayor, aldermen, and burgesses of the borough of Axbridge."
Berkeley . . .	" The mayor and aldermen of the borough of Berkeley."
Bovey Tracey . . .	" The mayor and freeholders of Bovey Tracey."
Brackley . . .	" The mayor, aldermen, and burgesses of the borough of Brackley."
Brading . . .	" The bailiffs, burgesses, and commoners of the borough of Brading."
Camelford . . .	" The mayor and burgesses of the vill of Camelford."
Chipping Campden . . .	" The high steward, deputy-steward, treasurer, senior bailiff, junior bailiff, and capital and inferior burgesses of Chipping Campden."
Corfe Castle . . .	" The mayor, barons, and inhabitants of Corfe."
Cowbridge . . .	" The bailiffs, aldermen, and burgesses of the town of Cowbridge."
Dinas Mowddwy . . .	" The mayor and burgesses of Dinas Mowddwy."
Dunwich . . .	" The bailiffs, burgesses, and commonalty of the borough and corporation of Dunwich."
Dursley . . .	" The bailiff and aldermen of Dursley."
East Looe . . .	" The mayor and free burgesses of the borough of East Looe."
Fordwich . . .	" The mayor, jurats, and commonalty of the town of Fordwich."
Garstang . . .	" The bailiff and burgesses of the borough of Garstang."
Great Dunmow . . .	" The bailiff and burgesses of the borough of Great Dunmow."
Harton . . .	" The portreeve and burgesses of Harton."
Havering-atte-Bower . . .	" The tenants and inhabitants of the lordship or manor of Havering-atte-Bower."
Higham Ferrers . . .	" The mayor, aldermen, and burgesses of the borough and parish of Higham Ferrers."
Holt . . .	" The mayor and burgesses of Holt."
Ilchester . . .	" The bailiff and burgesses of Ilchester."
Kenfig . . .	" The constable of the castle, portreeve, and burgesses of Kenfig."
Kilgerran . . .	" The portreeve and burgesses of Kilgerran."
Lampeter . . .	" The burgesses of the borough of Lampeter Pont Stephen."
Langport Eastover . . .	" The portreeve and commonalty of the borough of Langport."
Laugharne . . .	" The portreeve and burgesses of the town and corporation of Laugharne."
Llantrisant . . .	" The constable of the castle, portreeve, aldermen, and burgesses of Llantrisant."
Loughor . . .	" The portreeve, aldermen, and burgesses of the borough of Loughor."

## Places.

## Corporation or reputed Corporation.

Marazion . . .	" The mayor, burgesses, and inhabitants of the town of Marazion."
Nevin . . .	" The mayor, bailiffs, and burgesses of the town and borough of Nevin."
Newport (Salop) . . .	" The high steward, bailiffs, and burgesses of Newport."
Newport (Pembroke) . . .	" The mayor, aldermen, and burgesses of the borough of Newport."
Orford . . .	" The mayor, and commonalty of the borough of Orford."
Overton . . .	" The burgesses of Overton."
Petersfield . . .	" The mayor of Petersfield."
Pevensay . . .	" The bailiff, jurats, and commonalty of the town and liberty of Pevensay."
Romney Marsh . . .	" The bailiff, jurats, and commonalty."
St. Clear's . . .	" The burgesses and commonalty of St. Clear's."
Seaford . . .	" The bailiff, jurats, and freemen of the town and port of Seaford."
Thornbury . . .	" The bailiff and aldermen of Thornbury."
Usk . . .	" The portreeve and burgesses of Usk."
Westbury . . .	" The mayor and burgesses of Westbury."
Wickwar . . .	" The mayor and aldermen of Wickwar."
Winchcomb . . .	" The bailiffs and burgesses of Winchcomb."
Winchelsea . . .	" The mayor, jurats, and commonalty of the ancient town of Winchelsea."
Wootton-under-Edge . . .	" The mayor and aldermen of Wootton-under-Edge."
Yarmouth (Isle of Wight) . . .	" The mayor and chief burgesses of the borough of Yarmouth."

NOTE.—Since the report of the Commissioners a charter has been granted to the town of Lewes.

## SECOND SCHEDULE.

Places in which the Commissioners of 1876 report that a Municipal Corporation has not existed or has become virtually extinct.

## PART I.

Places mentioned in paragraph (15) of the Report of the Commissioners of 1876 as places which either have not been municipal or have long since ceased to be so :

Bala.	Hay.
Bangor.	Machynlleth.
Bridlington.	Midhurst.
Chipping Sodbury.	Newborough.
Criccieth.	Newton (Lancashire).
Crickhowell.	Prestelgn.
Farnham.	Ruyton.
Fishguard.	St. David's.
Powey.	Tavistock.
Grampound.	Weobley.
Harlech.	Wiston.

## PART II.

Places mentioned in paragraph (16) of the Report of the Commissioners of 1876 as having had municipal corporations in 1835 :

Bossinny.	Newton (Isle of Wight).
Caerwys.	Plympton Earle.
Castle Rising.	Rhuddlan.
Clun.	Tregony.
Llanelly.	West Looe.

## CAP. XIX.

An Act to amend the Medical Act (1858).  
[16th July 1883.]

## CAP. XX.

An Act to amend the Law relating to the Registry of Deeds Office, Ireland.  
[16th July 1883.]

## CAP. XXI.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.  
[2nd August 1883.]

## CAP. XXII.

An Act to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries.  
[2nd August 1883.]

## CAP. XXIII.

An Act to apply the sum of fifteen million one hundred and eighty-two thousand seven hundred and seven pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four.  
[2nd August 1883.]

## CAP. XXIV.

An Act to make temporary provision for the relief of the destitute Poor in Ireland.  
[2nd August 1883.]

## CAP. XXV.

An Act to explain and amend the thirty-second section of the General Prisons (Ireland) Act, 1877.  
[2nd August 1883.]

## CAP. XXVI.

An Act to promote the Sea Fisheries of Ireland.  
[2nd August 1883.]

## CAP. XXVII.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes.  
[20th August 1883.]

## CAP. XXVIII.

An Act to amend the Companies Acts, 1862 and 1867.  
[20th August 1883.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited for all purposes as the Companies Act, 1883.
2. *Construction of Act.*] This Act shall, so far as is consistent with the terms thereof, be construed as one with the Companies Acts, 1862 and 1867.
3. *Commencement of Act.*] This Act shall come into force on the first day of September one thousand eight hundred and eighty-three.
4. *Wages and salary to be preferential claims.*] In the distribution of the assets of any company being wound up under the Companies Acts, 1862 and 1867, there shall be paid in priority to other debts,—
  - (a.) All wages or salary of any clerk or servant in respect of service rendered to the company during four months before the commencement of the winding up not exceeding fifty pounds; and
  - (b.) All wages of any labourer or workman in respect of services rendered to the company during two months before the commencement of the winding up.
5. *Such claims to rank equally.*] The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions between themselves.
6. *Liquidator to discharge same upon receipt of sufficient assets.*] Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the liquidator or liquidators or official liquidator shall discharge the foregoing

debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when such assets come into the hands of such liquidator or liquidators or official liquidator.

### CAP. XXIX.

An Act to consolidate the Accounting Departments of the Supreme Court of Judicature, and for other purposes. [20th August 1883.]

Whereas it is expedient that there should be but one accounting department for the Supreme Court of Judicature and all the courts and divisions thereof, and it is further expedient to amend certain provisions of the Chancery Funds Act, 1872, and to provide for facilitating the business of the said department:

Be it enacted, &c.:

1. *Pay office of the Supreme Court.*] From and after the commencement of this Act there shall be one accounting department for the Supreme Court of Judicature.

2. *Funds in Chancery Division.*] All securities and money at the time of the commencement of this Act vested in the Paymaster-General in pursuance of the Chancery Funds Act, 1872, and all securities and money at any time after the commencement of this Act transferred or paid into or deposited in Court, to the credit of any cause, matter, or account, in the Chancery Division of the High Court of Justice, shall be vested in Her Majesty's Paymaster-General for and on behalf of the Supreme Court of Judicature, and shall continue to be and be subject to all the provisions of the Chancery Funds Act, 1872, and to the rules heretofore made and now in force under that Act, subject to such alterations therein and to such other and further rules as shall from time to time be made as thereby provided.

3. *Funds in other divisions.*] (a.) The Lord Chancellor, with the concurrence of the Treasury, may at any time after the passing of this Act direct that all moneys in court, or to be hereafter paid into court, in any other division of the High Court of Justice, and all securities in court placed or to be placed to the credit of any cause, matter, or account, in any such division, shall be transferred, or paid, or placed (as the case may be) to the account or credit of the Paymaster-General for and on behalf of the Supreme Court of Judicature.

(b.) All moneys and securities transferred, paid, or placed to the said account or credit of the Paymaster-General under this section shall be held by the Paymaster-General for the time being in trust to attend the orders of the Court in regard thereto, and subject to rules to be made under this Act.

(c.) The Consolidated Fund shall be liable to make good to the suitors of the Court the moneys and securities so transferred, paid, or placed to the account or credit of the Paymaster-General.

4. *Power to make rules.*] (1.) The Lord Chancellor, with the concurrence of the Treasury, may from time to time make rules for giving effect to the provisions of the last preceding section, and for regulating the manner in which, subject to the orders of the court, the said moneys and securities shall be dealt with by the Paymaster-General, and may at any time revoke or alter any such rules.

(2.) The Treasury shall cause to be kept by the Paymaster-General such books and accounts, in such form and manner, as they may from time to time direct, for the purpose of duly recording the transactions under the last preceding section; and the accounts kept by the Paymaster-General in respect of such transactions shall be audited by the Comptroller and Auditor-General in the manner and subject to the conditions prescribed in section twenty of the Chancery Funds Act, 1872.

5. *Validity of payments, &c., pursuant to Rules of Court.*] All acts done by the Paymaster-General with reference to money and securities in Court (whether such money and securities be paid, transferred, or delivered into Court under this Act or under the provisions of the Chancery Funds Act, 1872), pursuant to and in accordance with the provisions of any general rules of the Supreme Court of Judicature made under the provisions of the Supreme Court of Judicature Act, 1875, and Acts amending the same, shall be as valid and effectual as if they had been done in pursuance of an order of the High Court of Justice or of the Court of Appeal.

6. *Remittances by post.*] If under any rules made by the Lord Chancellor with the concurrence of the Treasury, or any regulations of the Treasury, the Paymaster-General be authorised to make payments of money to persons entitled thereto upon their request by transmitting by post to such persons crossed cheques or other documents intended to enable such persons to obtain payment of the sums expressed therein, the posting of a letter containing such cheque or document, and addressed to any such person entitled thereto at the address given by him in his request, shall, as respects the liability of the Paymaster-General and of the Consolidated Fund respectively, be equivalent to the delivery of such cheque or document to such person himself.

7. *Amendment of 35 & 36 Vict. c. 44, s. 10.*] Any rules made by the Lord Chancellor with the concurrence of the Treasury under the provisions of the Chancery Funds Act, 1872, or this Act, may determine what evidence of an order of the High Court of Justice or Court of Appeal, and of the directions contained in such order, shall be necessary or sufficient, or necessary and sufficient to authorise the Governor and Company of the Bank of England or any other person to transfer on sale or otherwise, or to deliver out, any securities or other things standing in the books of or deposited with such bank or person to the credit or account of the said Paymaster-General for the time being under this or the aforesaid Act; and such securities or things shall be transferred or delivered out accordingly, on behalf of the Paymaster-General, by some officer of such bank or person, anything in section ten of the Chancery Funds Act, 1872, to the contrary thereof notwithstanding.

8. *Short title.*] This Act may be cited as the Supreme Court of Judicature (Funds, &c.) Act, 1883.

### CAP. XXX.

An Act to authorise Companies registered under the Companies Act, 1862, to keep Local Registers of their Members in British Colonies. [20th August 1883.]

Whereas many companies registered under the Companies Act, 1862, carry on business in British colonies, and dealings in their shares are frequent in such colonies, but delay, inconvenience, and expense are occasioned by reason of the absence of any legal provision for keeping local registers of members, and it is expedient that such provisions as this Act contains be made in that behalf:

Be it therefore enacted, &c.:

1. *Short title and construction.*] This Act may be cited for all purposes as the Companies (Colonial Registers) Act, 1883; and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the Companies Acts, 1862 to 1880, and the said Acts and this Act may be referred to as the Companies Acts, 1862 to 1883.

2. *Definitions.*] In this Act the term "company" means a company registered under the Companies Act, 1862, and having a capital divided into shares; the term "shares" includes stock; the term "colony" does not include any place within the United Kingdom, the Isle of Man, or the Channel Islands, but includes such territories as may for the time being be vested in Her Majesty by virtue of an Act of Parliament for the government of India, and any plantation, territory, or settlement situate elsewhere within Her Majesty's dominions.

3. *Power for companies to keep colonial registers.*] (1.) Any company whose objects comprise the transaction of business in a colony may, if authorised so to do by its regulations, as originally framed or as altered by special resolution, cause to be kept in any colony in which it transacts business a branch register or registers of members resident in such colony.

(2.) The company shall give to the registrar of joint stock companies notice of the situation of the office where any such branch register (in this Act called a colonial register) is kept, and of any change therein, and of the discontinuance of any such office in the event of the same being discontinued.

(3.) A colonial register shall, as regards the particulars entered therein, be deemed to be a part of the company's register of members, and shall be prima facie evidence of all particulars entered therein. Any such register shall be kept in the manner provided by the Companies Acts, 1862 to 1880, with this qualification, that the advertisement mentioned in section thirty-three of the Companies Act, 1862, shall be inserted in some newspaper circulating in the district wherein the register to be closed is kept, and that any competent court in the colony where such register is kept shall be entitled to exercise the same jurisdiction of rectifying the same as is by section thirty-five of the Companies Act, 1862, vested, as respects a register, in England and Ireland in Her Majesty's superior courts of law or equity, and that all offences under section thirty-two of the Companies Act, 1862, may, as regards a colonial register, be prosecuted summarily before any tribunal in the colony where such register is kept having summary criminal jurisdiction.

(4.) The company shall transmit to its registered office a copy of every entry in its colonial register or registers as soon as may be after such entry is made, and the company shall cause to be kept at its registered office, duly entered up from time to time, a duplicate or duplicates of its colonial register or registers. The provisions of section thirty-two of the Companies Act, 1862, shall apply to every such duplicate, and every such duplicate shall, for all the purposes of the Companies Acts, 1862 to 1880, be deemed to be part of the register of members of the company.

(5.) Subject to the provisions of this Act with respect to the duplicate register, the shares registered in a colonial register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a colonial register shall, during the continuance of the registration of such shares in such colonial register, be registered in any other register.

(6.) The company may discontinue to keep any colonial register, and thereupon all entries in that register shall be transferred to some other colonial register kept by the company in the same colony, or to the register of members kept at the registered office of the company.

(7.) In relation to stamp duties the following provisions shall have effect:—

(a.) An instrument of transfer of a share registered in a colonial register under this Act shall be deemed to be a transfer of property situated out of the United Kingdom, and unless executed in any part of the United Kingdom shall be exempt from British stamp duty.

(b.) Upon the death of a member registered in a colonial register under this Act, the share or other interest of the deceased member shall for the purposes of this Act so far as relates to British duties be deemed to be part of his estate and effects situated in the United Kingdom, for or in respect of which probate or letters of administration is or are to be granted, or whereof an inventory is to be exhibited and recorded in like manner as if he were registered in the register of members kept at the registered office of the company.

(8.) Subject to the provisions of this Act, any company may, by its regulations as originally framed, or as altered by special resolution, make such provisions as it may think fit respecting the keeping of colonial registers.

### CAP. XXXI.

An Act to prohibit the Payment of Wages to Workmen in Public-houses and certain other places. [20th August 1883.]

Whereas by the Coal Mines Regulations Act, 1872, and the Metalliferous Mines Regulation Act, 1872, the payment in public-houses, beer-shops, or other places in the said Acts mentioned of wages to persons employed in or about any mines to which the said Acts apply is prohibited, and it is expedient to extend such prohibition to the payment in public-houses, beer-shops, and other places in England and Scotland of wages to all workmen as defined by this Act:

Be it therefore enacted, &c.:



1. *Short title.*] This Act may be cited as the Payment of Wages in Public-houses Prohibition Act, 1883.

2. *Definition of workman.*] In this Act the expression "workman" means any person who is a labourer, servant in husbandry, journeyman, artificer, handicraftsman, or is otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, but does not include a domestic or menial servant, nor any person employed in or about any mine to which the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, applies.

3. *No wages to be paid within public-house.*] From and after the passing of this Act no wages shall be paid to any workman at or within any public-house, beershop, or place for the sale of any spirits, wine, cyder, or other spirituous or fermented liquor, or any office, garden, or place belonging thereto or occupied therewith, save and except such wages as are paid by the resident owner or occupier of such public-house, beershop, or place to any workman bona fide employed by him.

Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with this Act shall be guilty of an offence against this Act.

And in the event of any wages being paid by any person in contravention of the provisions of this Act for or on behalf of any employer, such employer shall himself be guilty of an offence against this Act, unless he prove that he had taken all reasonable means in his power for enforcing the provisions of this Act and to prevent such contravention.

4. *Penalties.*] Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding ten pounds for each offence; and all offences against this Act may be prosecuted and all penalties under this Act may be recovered by any person summarily in England in the manner provided by the Summary Jurisdiction Acts, and in Scotland in the manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881.

5. *Act not to apply to Ireland.*] This Act shall not apply to Ireland.

#### CAP. XXXII.

An Act to make further provision respecting the application of the Revenues of Greenwich Hospital, and for other purposes.

[20th August 1883.]

#### CAP. XXXIII.

An Act to amend the Irish Reproductive Loan Fund Act, 1874.

[20th August 1883.]

#### CAP. XXXIV.

An Act to amend the Law relating to Railway Passenger Duty, and to amend and consolidate the Law relating to the conveyance of the Queen's Forces by Railway.

[20th August 1883.]

#### CAP. XXXV.

An Act to make better provision as regards the Metropolis for the isolation and treatment of persons suffering from Cholera and other Infectious Diseases; and for other purposes.

[20th August 1883.]

#### CAP. XXXVI.

An Act to provide for the better application and management of the Parochial Charities of the City of London.

[20th August 1883.]

#### CAP. XXXVII.

An Act to amend the Public Health Act, 1875, and to make provision with respect to the support of public sewers and sewage works in mining districts.

[25th August 1883.]

#### CAP. XXXVIII.

An Act to amend the Law respecting the Trial and Custody of Insane Persons charged with offences.

[25th August 1883.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Trial of Lunatics Act, 1883.

2. *Special verdict where accused found guilty, but insane at date of act or omission charged, and orders thereupon.*] (1.) Where in any indictment or information any act or omission is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible, according to law, for his actions at the time when the act was done or omission made, then, if it appears to the jury before whom such person is tried that he did the act or made the omission charged, but was insane as aforesaid at the time when he did or made the same, the jury shall return a special verdict to the effect that the accused was guilty of the act or omission charged against him, but was insane as aforesaid at the time when he did the act or made the omission.

(2.) Where such special verdict is found, the court shall order the accused to be kept in custody as a criminal lunatic, in such place and in such manner as the court shall direct, till Her Majesty's pleasure shall be known; and it shall be lawful for Her Majesty thereupon, and from time to time, to give such order for the safe custody of the said person during pleasure, in such place and in such manner as to Her Majesty may seem fit.

(3.) In all such cases any two justices of the peace of the county, city, or place where such person shall have been tried, or shall be kept in custody, shall have the like power as is given by the Act of the third and fourth years of Her present Majesty, chapter fifty-four, in the cases therein mentioned, to inquire into and ascertain the last legal settlement of such person, and also to make the like order or orders for the payment of such person's maintenance and other charges as therein mentioned.

(4.) All provisions in any existing Act or in any rules or orders made in pursuance of any existing Act, having reference to a person or persons acquitted on the ground of insanity, shall apply to a person or persons in respect of whom a special verdict is found under this Act.

3. *Extent of Act.*] (1.) This Act shall extend to Ireland with the following modifications—that is to say, the words "the Lord Lieutenant" shall be substituted for "Her Majesty," and the words "the pleasure of the Lord Lieutenant" for "Her Majesty's pleasure."

(2.) This Act shall not extend to Scotland.

4. *Repeal.*] (1.) The enactments mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column thereof, but this repeal shall not affect any order made or thing done in pursuance of any enactment so repealed; and any such order may be carried into effect, revoked, or varied, as if made under this Act.

(2.) Any unrepealed enactment referring to any enactment hereby repealed, shall be construed to apply to the corresponding provisions of this Act.

#### SCHEDULE.

##### ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
39 & 40 Geo. 3, c. 94	An Act for the safe custody of insane persons charged with offences.	Section one.
1 & 2 Geo. 4, c. 33	An Act to make more effectual provision for the establishment of asylums for the lunatic poor, and for the custody of insane persons charged with offences in Ireland.	Section sixteen.
3 & 4 Vict. c. 54	An Act for making further provision for the confinement and maintenance of insane prisoners.	Section three.

#### CAP. XXXIX.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

[25th August 1883.]

#### CAP. XL.

An Act to continue various expiring Laws.

[25th August 1883.]

#### CAP. XLI.

An Act to amend the Merchant Shipping Acts, 1854 to 1880, with respect to fishing vessels and apprenticeship to the sea fishing service and otherwise.

[25th August 1883.]

#### CAP. XLII.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission; and to amend the Acts relating to the said Commissioners, and for other purposes.

[25th August 1883.]

#### CAP. XLIII.

An Act for promoting the extension of Tramway communication in Ireland, and for assisting Emigration, and for extending certain provisions of the Land Law (Ireland) Act, 1881, to the case of Public Companies.

[25th August 1883.]

#### CAP. XLIV.

An Act to explain the effect of Section One hundred and ninety-five of the Municipal Corporations Act, 1882.

[25th August 1883.]

Whereas doubts have arisen as to the effect of section one hundred and ninety-five of the Municipal Corporations Act, 1882, and it is expedient to remove such doubts:

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Borough Constables Act, 1883.

2. *Explanation of 45 & 46 Vict. c. 50, s. 195.*] Nothing in section one hundred and ninety-five of the Municipal Corporations Act, 1882, shall be taken to have repealed section twenty of the Town Police Clauses Act, 1847, or section twelve of the Prevention of Crimes Act, 1871.

#### CAP. XLV.

An Act for preventing the Sale of Medals resembling Current Coin.

[25th August 1883.]

Be it enacted, &c.:

1. *Short title of Act.*] This Act may be cited for all purposes as the Counterfeit Medal Act, 1883.

2. *Punishment for selling medals resembling current coin.*] If any person without due authority or excuse (the proof whereof shall lie on the person accused)—

Makes or has in his possession for sale, or offers for sale, or sells,

Any medal, cast, coin, or other like thing made wholly or partially of metal or any metallic combination and resembling in size, figure, and colour any of the Queen's current gold or silver coin, or having thereon a device resembling any device on any of the Queen's current gold or silver coin, or being so formed that it can by gilding, silvering, colouring, washing, or other like process, be so dealt with as to resemble any of the Queen's current gold or silver coin,

He shall be guilty, in England and Ireland of a misdemeanor, and in Scotland of a crime and offence, and on being convicted, shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.



3. *Interpretation.*] "The Queen's current gold or silver coin" includes any gold or silver coin coined in or for any of Her Majesty's mints, or lawfully current by virtue of any proclamation or otherwise in any part of Her Majesty's dominions, whether within the United Kingdom or otherwise.

**CAP. XLVI.**

An Act to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs.  
[25th August 1883.]

**CAP. XLVII.**

An Act to extend the power of Nomination in Friendly and Industrial, &c., Societies, and to make further provision for cases of Intestacy in respect of Personal Property of small amount.  
[25th August 1883.]

Whereas under the enactments named in the third section of this Act a member of a friendly, industrial, or other like society to which the said enactments apply may, by writing under his hands delivered at or sent to the registered office of such society, nominate any person to whom any moneys payable by the society on the death of such member, not exceeding fifty pounds, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, and on receiving satisfactory proof of the death of a nominator such society is bound to pay to the nominee the amount due to such deceased member, not exceeding the sum aforesaid:

And whereas it is desirable to extend the operation of the said enactments:

Be it enacted, &c.:

1. *Extent and short title of the Act.*] This Act extends to Great Britain and Ireland, and except section ten of the same, and so much thereof as relates to trade unions, to the Channel Islands, and except the said section ten, and so much as relates to industrial and provident societies and to trade unions, to the Isle of Man, and may be cited as the Provident Nominations and Small Intestacies Act, 1883.

2. *Definition of terms.*] In this Act the expressions following have the following meanings:—

"Directors" means (1) in the case of a society or branch whose property is vested in trustees, the trustees for the time being; (2) in the case of a Post Office Savings Bank and of a Post Office Savings Bank Insurance, the Postmaster General; (3) in any other case, the directing authority by whatever name it may be called: "Probate" and "letters of administration" for Scotland mean confirmation:

"Savings bank" means a bank to which the Trustee Savings Bank Act, 1863, applies, and a Post Office Savings Bank:

"Society" includes a registered trade union:

"Office" means in the case of a society registered under the Friendly Societies Acts, the Industrial and Provident Societies Acts, or the Trade Union Acts, the registered office of such society:

In the case of a registered branch under the Friendly Societies Acts, the registered place of such branch:

In the case of a Trustee Savings Bank or of a Trustee Savings Bank Insurance, the office or head office of such bank.

In the case of a Post Office Savings Bank and of a Post Office Savings Bank Insurance, the General Post Office.

3. The following enactments, namely, sub-sections three and four of section fifteen of the Friendly Societies Act, 1875, sub-sections five and six of section eleven of the Industrial and Provident Societies Act, 1876, section ten of the Trade Union Act Amendment Act, 1876, sections forty-one, forty-two, forty-three of the Trustee Savings Bank Act, 1863, section ten of an Act passed in the seventh and eighth years of the reign of Her present Majesty, intituled "An Act to amend the law relating to savings banks, and to the purchase of Government annuities through the

"medium of savings banks," and sub-head (e) of section six of the Government Annuities Act, 1882, respectively shall be read as if in the said sections of the said Acts the words one hundred pounds were substituted for the words fifty pounds.

4. *How a nomination may be made.*] A nomination may be partly printed, and if made in a book kept at the office shall be taken to be delivered at such office.

5. *Nominations by Savings Bank depositors.*] A depositor in a Savings Bank, not being under sixteen years of age, may by writing under his hand delivered at or sent to the office nominate any person, not being an officer or servant of the directors (unless such officer or servant be the husband, wife, father, mother, child, grandchild, brother, sister, nephew, or niece of the nominator), to whom any sum, not exceeding one hundred pounds, which may remain due to such depositor at his decease may be paid at such decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the directors shall pay to the nominee the sum due to the deceased depositor, provided it does not exceed one hundred pounds.

6. *Extension of 38 & 39 Vict. c. 60, s. 15 (3), and 39 & 40 Vict. c. 45, s. 11 (5), (6).*] In sub-section three of section fifteen of the Friendly Societies Act, 1875, and in any nomination under the said Act which takes effect after this Act has come into operation, the words "moneys payable by the society on the death of such member" shall include deposits made by such member under section eighteen of the said Act, and moneys accumulated for the use of such member under section nineteen of the same Act, with the interest on such deposit or moneys respectively. In sub-sections five and six of section eleven of the Industrial and Provident Societies Act, 1876, and in any nomination under the said Act which takes effect after this Act has come into operation, the words "shares" and "interest" respectively shall be taken to include loans and deposits made under sub-section (2 c) of section 10 of the said Act.

7. *Provisions in case of intestacy and no nomination.*] If any member of a registered trade union, entitled from the funds thereof to a sum not exceeding one hundred pounds, dies intestate and without having made any nomination which remains unrevoked at his death, such sum shall be payable, without letters of administration, to the person who appears to a majority of the directors, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

8. *Provision for illegitimacy.*] If a member of any society who is entitled to make a nomination under this Act or the Acts hereby amended is illegitimate, and has died intestate, and without having made any such nomination subsisting at his death, the directors may pay the sum which such member might have nominated to or among the person or persons who, in the opinion of the majority of them, would have been entitled thereto if such member had been legitimate, or, if there are no such persons, then the deposits shall be dealt with as the Commissioners of the Treasury may direct.

9. *Payments made by directors under the power above given.*] All payments made by directors under the powers aforesaid shall be valid with respect to any demand of any other person as next of kin of a deceased member, or as his lawful representative or person claiming to be such representative, against the society or savings bank, or the directors, but such next of kin, representative, or claimant shall have remedy for the recovery of such money, so paid as aforesaid, against the person or persons who shall have received the same.

10. *Conditions to be observed where fund exceeds £80.*] For the prevention of frauds on the revenue it is enacted as follows:

(1.) If the total sum with respect to which a nomination may be made under this Act by any person, or standing to the credit of any person in any society or savings bank at his death exceeds, after deduction of any moneys payable under the registered or certified rules of such society or savings bank or otherwise for the purpose of defraying the funeral expenses of such member the sum of eighty

pounds sterling, the directors shall before making any payment to a nominee or otherwise under this Act require production of a duly stamped receipt for the succession or legacy duty payable thereon, or a letter, or a certificate from the Commissioners of Inland Revenue stating that none such is payable; such receipt or certificate shall be given by the said Commissioners upon payment of duty, or satisfactory proof of no duty being payable, as the case may be.

(2.) *Nomination or payment under this Act not to affect the liability to probate duty.*] If, elsewhere than in Scotland, the total personal property, or in Scotland the whole movable estate, of any person entitled to make a nomination under this Act or the Acts hereby amended, or of any depositor in a savings bank, exceeds one hundred pounds sterling, any sum paid under this Act without probate or letters of administration shall, notwithstanding such nomination or payment, be liable to probate duty as part of the amount on which such duty is charged, and the directors shall be at liberty before making any such payment to require a statutory declaration by the claimant, or by one of the claimants, that the total personal estate of the deceased, including the sum in question, does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

11. *Channel Islands and Isle of Man.*] As respects the Channel Islands and the Isle of Man respectively, the following provision shall have effect. When any sum of money becomes payable on the death of a person entitled to make a nomination under this Act or the Acts hereby amended, such sum shall, in default of any direction or nomination such as is contemplated by the Friendly Societies Act, 1875, or by this Act, be paid to the deceased member's legal representative, according to the law of the island in which such deceased member was domiciled.

**CAP. XLVIII.**

An Act to enable sanitary authorities in Ireland to take possession of land for the erection of temporary Cholera Hospitals.  
[25th August 1883.]

**CAP. XLIX.**

An Act for promoting the Revision of the Statute Law by repealing various Enactments relating to Civil Procedure or matters connected therewith, and for amending in some respects the Law relating to Civil Procedure.  
[25th August 1883.]

**CAP. L.**

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-four, and to appropriate the Supplies granted in this Session of Parliament.  
[25th August 1883.]

**CAP. LI.**

An Act for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections.  
[25th August 1883.]

Be it enacted, &c.:

*Corrupt Practices.*

1. *What is treating.*] Whereas under section four of the Corrupt Practices Prevention Act, 1854, persons other than candidates at Parliamentary elections are not liable to any punishment for treating, and it is expedient to make such persons liable; be it therefore enacted in substitution for the said section four as follows:—

(1.) Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat drink entertainment or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or

refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

(3.) And every elector who corruptly accepts or takes any such meat drink entertainment or provision shall also be guilty of treating.

2. *What is undue influence.*] Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

3. *What is corrupt practice.*] The expression "corrupt practice" as used in this Act means any of the following offences; namely, treating and undue influence, as defined by this Act, and bribery, and personation, as defined by the enactments set forth in Part III. of the Third Schedule to this Act, and aiding, abetting, counselling, and procuring the commission of the offence of personation, and every offence which is a corrupt practice within the meaning of this Act shall be a corrupt practice within the meaning of the Parliamentary Elections Act, 1868.

4. *Punishment of candidate found, on election petition, guilty personally of corrupt practices.*] Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the Speaker in pursuance of section eleven of the Parliamentary Elections Act, 1868, reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough, and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

5. *Punishment of candidate found, on election petition, guilty by agents of corrupt practices.*] Upon the trial of an election petition respecting an election for a county or borough, in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the Speaker whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election; and if the report is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void.

6. *Punishment of person convicted on indictment of corrupt practices.*] (1.) A person who commits any corrupt practice other than personation, or aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, with or without hard labour, for a term not exceeding one year, or to be fined any sum not exceeding two hundred pounds.

(2.) A person who commits the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment

for a term not exceeding two years, together with hard labour.

(3.) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided) be not capable during a period of seven years from the date of his conviction:

(a.) of being registered as an elector or voting at an election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this Act; or

(b.) of holding any public or judicial office within the meaning of this Act, and if he holds any such office the office shall be vacated.

(4.) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

#### *Illegal Practices.*

7. *Certain expenditure to be illegal practice.*] (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

(a.) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

(b.) to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

(c.) on account of any committee room in excess of the number allowed by the First Schedule to this Act.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

8. *Expense in excess of maximum to be illegal practice.*] (1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the first schedule to this Act.

(2.) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

9. *Voting by prohibited persons and publishing of false statements of withdrawal to be illegal.*] (1.) If any person votes or induces or procures any person to vote at any election, knowing that he or such person is prohibited, whether by this or any other Act from voting at such election, he shall be guilty of an illegal practice.

(2.) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(3.) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

10. *Punishment on conviction of illegal practice.*] A person guilty of an illegal practice, whether under

the foregoing sections or under the provisions hereinafter contained in this Act, shall on summary conviction be liable to a fine not exceeding one hundred pounds and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election whether it be a parliamentary election or an election for a public office within the meaning of this Act) held for or within the county or borough in which the illegal practice has been committed.

11. *Report of election court respecting illegal practice, and punishment of candidate found guilty by such report.*] Whereas by sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, it is provided that where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report in writing to the Speaker as follows:—

(a.) "Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice;

(b.) "The names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice;

(c.) "Whether corrupt practices have, or whether there is reason to believe corrupt practices have, extensively prevailed at the election to which the petition relates";

And whereas it is expedient to extend the said sub-section to illegal practices:

Be it therefore enacted as follows:—

Sub-section fourteen of section eleven of the Parliamentary Elections Act, 1868, shall apply as if that sub-section were herein re-enacted with the substitution of illegal practice within the meaning of this Act for corrupt practice; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the Speaker the particulars required by the said sub-section as herein re-enacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this Act in reference to such election, and the following consequences shall ensue upon the report by the election court to the Speaker; (that is to say.)

(a.) If the report is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and

(b.) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected, his election shall be void.

12. *Extension of 15 & 16 Vict. c. 57, respecting election commissioners to illegal practices.*] Whereas, by the Election Commissioners Act, 1852, as amended by the Parliamentary Elections Act, 1868, it is enacted that where a joint address of both Houses of Parliament represents to Her Majesty that an election court has reported to the Speaker that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at an election in any county or borough, and prays Her Majesty to cause inquiry under that Act to be made by persons named in such address (being qualified as therein mentioned), it shall be lawful for Her Majesty to appoint the said persons to be election commissioners for the purpose of making inquiry into the existence of such corrupt practices:

And whereas it is expedient to extend the said enactments to the case of illegal practices:

Be it therefore enacted as follows:—

When election commissioners have been appointed in pursuance of the Election Commissioners



Act, 1852, and the enactments amending the same, they may make inquiries and act and report as if 'corrupt practices' in the said Act and the enactments amending the same included illegal practices; and the Election Commissioners Act, 1852, shall be construed with such modifications as are necessary for giving effect to this section, and the expression 'corrupt practice' in that Act shall have the same meaning as in this Act.

*Illegal Payment, Employment, and Hiring.*

13. *Providing of money for illegal practice or payment to be illegal payment.*] Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

14. *Employment of hackney carriages, or of carriages and horses kept for hire.*] (1.) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of an illegal hiring.

(2.) A person shall not hire, or borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of being conveyed to or from the poll.

(4.) No person shall be liable to pay any duty or take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

15. *Corrupt withdrawal from a candidature.*] Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

16. *Certain expenditure to be illegal payment.*] (1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

17. *Certain employment to be illegal.*] (1.) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the first or second parts of the First Schedule to this Act, or except so far as payment is authorised by the first or second parts of the First Schedule to this Act.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so

engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed contrary to law.

18. *Name and address of printer on placards.*] Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

19. *Saving for creditors.*] The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

20. *Use of committee room in house for sale of intoxicating liquor or refreshment, or in elementary school, to be illegal hiring.*] (a.) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by a license (whether the license be for consumption on or off the premises), or

(b.) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club, or

(c.) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises, or

(d.) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring:

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

21. *Punishment of illegal payment, employment, or hiring.*] (1.) A person guilty of an offence of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

(2.) A candidate or an election agent of a candidate who is personally guilty of an offence of illegal payment, employment, or hiring shall be guilty of an illegal practice.

*Excuse and Exception for Corrupt or Illegal Practice or Illegal Payment, Employment, or Hiring.*

22. *Report exonerating candidate in certain cases of corrupt and illegal practice by agents.*] Where upon the trial of an election petition respecting an election for a county or borough, the election court report that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference to such election, and the election court further report that the candidate has proved to the court—

(a.) That no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and

(b.) That such candidate and his election agent took all reasonable means for preventing the

commission of corrupt and illegal practices at such election; and

(c.) That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and

(d.) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

23. *Power of High Court and election court to except innocent act from being illegal practice, &c.*] Where, on application made, it is shown to the High Court or to an election court by such evidence as seems to the Court sufficient—

(a.) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being a payment, engagement, employment, or contract in contravention of this Act, or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Act, or of otherwise being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and

(b.) that such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c.) that such notice of the application has been given in the county or borough for which the election was held as to the court seems fit;

and under the circumstances it seems to the court to be just that the candidate and the said election agent and other agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

*Election Expenses.*

24. *Nomination of election agent.*] (1.) On or before the day of nomination at an election, a person shall be named by or on behalf of each candidate as his agent for such election (in this Act referred to as the election agent).

(2.) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3.) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared.

(4.) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or his death, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same.

25. *Nomination of deputy election agent as sub-agent.*] (1.) In the case of the elections specified in that behalf in the First Schedule to this Act an election agent of a candidate may appoint the number of deputies therein mentioned (which deputies are in this Act referred to as sub-agents), to act within different polling districts.

(2.) As regards matters in a polling district the election agent may act by the sub-agent for that district, and anything done for the purposes of this Act by or to the sub-agent in his district shall be deemed to be done by or to the election agent,



and any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3.) One clear day before the polling the election agent shall declare in writing the name and address of every sub-agent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4.) The appointment of a sub-agent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

26. *Office of election agent and sub-agent.* (1.) An election agent at an election for a county or borough shall have within the county or borough, or within any county of a city or town adjoining thereto, and a sub-agent shall have within his district, or within any county of a city or town adjoining thereto, an office or place to which all claims, notices, writs, summonses, and documents may be sent, and the address of such office or place shall be declared at the same time as the appointment of the said agent to the returning officer, and shall be stated in the public notice of the name of the agent.

(2.) Any claim, notice writ, summons or document delivered at such office or place and addressed to the election agent or sub-agent, as the case may be, shall be deemed to have been served on him, and every such agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction in the county or borough in which the said office or place is situate.

27. *Making of contracts through election agent.* (1.) The election agent of a candidate by himself or by his sub-agent shall appoint every polling agent, clerk, and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2.) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his sub-agent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

28. *Payment of expenses through election agent.* (1.) Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise;

Provided that this section shall not be deemed to apply to a tender of security to or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2.) A person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so pro-

vided as aforesaid, shall be guilty of an illegal practice.

29. *Period for sending in claims and making payments for election expenses.* (1.) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(2.) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this Act shall be barred and shall not be paid; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

(3.) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidates returned are declared elected.

(4.) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Act and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5.) Except as by this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidates returned are declared elected.

(6.) Where the election court reports that it has been proved to such court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(7.) If the election agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8.) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act, requiring claims to be paid by the election agent.

(9.) On cause shown to the satisfaction of the High Court, such court on application by the claimant or by the candidate or his election agent may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10.) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act.

30. *Reference to taxation of claim against candidates.* If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court, on the application of the plaintiff to the action, otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

31. *Personal expenses of candidate and petty expenses.* (1.) The candidate at an election may pay

any personal expenses incurred by him on account of or in connexion with or incidental to such election to an amount not exceeding one hundred pounds, but any further personal expenses so incurred by him shall be paid by his election agent.

(2.) The candidate shall send to the election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3.) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4.) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

32. *Remuneration of election agent and returning officer's expenses.* (1.) So far as circumstances admit this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

(2.) The account of the charges claimed by the returning officer in the case of a candidate and transmitted in pursuance of section four of the Parliamentary Elections (Returning Officers) Act, 1875, shall be transmitted within the time specified in the said section to the election agent of the candidate, and need not be transmitted to the candidate.

33. *Return and declaration respecting election expenses.* (1.) Within thirty-five days after the day on which the candidates returned at an election are declared elected, the election agent of every candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return respecting election expenses), in the form set forth in the Second Schedule to this Act or to the like effect, containing, as respects that candidate,—

- (a.) A statement of all payments made by the election agent, together with all the bills and receipts (which bills and receipts are in this Act included in the expression "return respecting election expenses");
- (b.) A statement of the amount of personal expenses, if any, paid by the candidate;
- (c.) A statement of the sums paid to the returning officer for his charges, or, if the amount is in dispute, of the sum claimed and the amount disputed;
- (d.) A statement of all other disputed claims of which the election agent is aware;
- (e.) A statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court;
- (f.) A statement of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

(2.) The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(3.) Where the candidate has named himself as his election agent, a statement of all money, securities, and equivalent of money paid by the candidate shall be substituted in the return required by this section to be transmitted by the election agent for the like statement of money, securities, and equivalent of money received by the election agent from the candidate; and the declaration by an election agent respecting election expenses need not be made, and the declaration by the candidate

respecting election expenses shall be modified as specified in the Second Schedule to this Act.

(4.) At the same time that the agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by him before a justice of the peace, in the form in the first part of the Second Schedule to this Act (which declaration is in this Act referred to as a declaration respecting election expenses).

(5.) If in the case of an election for any county or borough, the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county or borough until either such return and declarations have been transmitted, or until the date of the allowance of such an authorised excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit one hundred pounds for every day on which he so sits or votes to any person who sues for the same.

(6.) If without such authorised excuse as in this Act mentioned a candidate or an election agent fails to comply with the requirements of this section he shall be guilty of an illegal practice.

(7.) If any candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(8.) Where the candidate is out of the United Kingdom at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorised in making such declaration shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses.

(9.) Where, after the date at which the return respecting election expenses is transmitted, leave is given by the High Court for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as in this Act mentioned.

34. *Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses.* (1.) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then—

(a.) if the candidate applies to the High Court or an election court and shows that the failure to transmit such return and declarations, or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or

(b.) if the election agent of the candidate applies to the High Court or an election court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the court may, after such notice of the application in the said county or borough, and on production

of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, makes such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2.) Where it appears to the court that any person being or having been election agent or sub-agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting election expenses, the court before making an order allowing the excuse as in this section mentioned shall order such person to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seem just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and may in default of compliance with any such order, order him to pay a fine not exceeding five hundred pounds.

(3.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

35. *Publication of summary of return of election expenses.* (1.) The returning officer at an election within ten days after he receives from the election agent of a candidate a return respecting election expenses shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected, and may charge the candidate in respect of such publication, and the amount of such charge shall be the sum allowed by the Parliamentary Elections (Returning Officers) Act, 1875.

(2.) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during two years next after they are received by the returning officer be open to inspection by any person on payment of a fee of one shilling, and the returning officer shall on demand furnish copies thereof or any part thereof at the price of twopence for every seventy-two words. After the expiration of the said two years the returning officer may cause the said return and declarations, (including the accompanying documents,) to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

#### *Disqualification of Electors.*

36. *Prohibition of persons guilty of corrupt or illegal practices, &c., from voting.* Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

37. *Prohibition of disqualified persons from voting.* Every person who, in consequence of conviction of the report of any election court or election commissioners under this Act, or under the Corrupt Practices (Municipal Elections) Act, 1872, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

38. *Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.* (1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners, as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2.) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place in which the offence is alleged to have been committed, and such court may hear and determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the Director of Public Prosecutions in the manner and within the time directed by rules of court, and subject to such rules then within three days after the appeal is brought.

(3.) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such case one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4.) The provisions of the Parliamentary Elections Act, 1868, with respect to the reception and powers of and attendance on an election court, and to the expenses of an election court, and of receiving and accommodating an election court, shall apply as if such judge were an election court.

(5.) Every person who after the commencement of this Act is reported by any election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty: Provided that a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(6.) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to report the case to the Lord High Chancellor of Great Britain with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or



having been, mayor of a borough, the Lord High Chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7.) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of public prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8.) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:

(a.) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(b.) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not it shall be the duty of the Director of Public Prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed person obtained his license, and such licensing justices shall cause such report to be entered in the proper register of licenses.

(c.) Where an entry is made in the register of licenses of any such conviction or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(9.) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the Director of public prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(10.) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

39. *List in register of voters of persons incapacitated for voting by corrupt or illegal practices.* (1.) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having after the commencement of this Act been found guilty of a corrupt or illegal practice on conviction or by the report of any election court or election commissioners whether under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this Act referred to as the corrupt and illegal practices list), the offence of which each person has been found guilty.

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(a.) if he is the registration officer of a county, in that county, or in any borough in that county; and

(b.) if he is the registration officer of a borough, in the county in which such borough is situate, or in any borough in that county.

(3.) The registration officer shall send the list to the overseers of every parish within his county or borough, together with his precept, and the overseers shall publish the list together with the list of voters, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to vote, or as circumstances require, add "objected" before his name in the list of claimants or copy of the register published by them, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The revising barrister shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit as in the case of other claims and objections, and of any list of voters.

(6.) Where it appears to the revising barrister that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters.

(7.) A revising barrister in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8.) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

#### *Proceedings on Election Petition.*

40. *Time for presentation of election petitions alleging illegal practice.* (1.) Where an election petition questions the return or the election upon an allegation of an illegal practice, then notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say),

(a.) At any time before the expiration of fourteen days after the day on which the returning officer receives the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(b.) If the election petition specifically alleges a payment of money, or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

(2.) Any election petition presented within the time limited by the Parliamentary Elections Act, 1868, may, for the purpose of questioning the return or the election, upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

(3.) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply

notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4.) For the purposes of this section—

(a.) where the return and declarations are received on different days, the day on which the last of them is received, and

(b.) where there is an authorised excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse, shall be substituted for the day on which the return and declarations are received by the returning officer.

(5.) For the purposes of the section, time shall be reckoned in like manner as it is reckoned for the purposes of the Parliamentary Elections Act, 1868.

41. *Withdrawal of election petition.* (1.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4.) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months, and to a fine not exceeding two hundred pounds.

(5.) Copies of the said affidavits shall be delivered to the Director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the Director of public prosecutions or his assistant, or other representative, may consider material.

(6.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section thirty-five of the Parliamentary Elections Act, 1868, where the withdrawal is induced by a corrupt consideration.

(7.) In every case of the withdrawal of an election petition the court shall report to the Speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(8.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(9.) Where a person not a solicitor is lawfully



acting as agent in the case of an election petition that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

42. *Continuation of trial of election petition.*] The trial of every election petition so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued de die in diem on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

43. *Attendance of Director of public prosecutions on trial of election petition, and prosecution by him of offenders.*] (1.) On every trial of an election petition the Director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2.) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3.) It shall also be the duty of the said Director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or if he thinks it expedient in the interests of justice before any other competent court.

(4.) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding six months, or to pay a fine not exceeding two hundred pounds, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence;

Provided that, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6.) Upon such order being made,

(a.) if the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and

(b.) if the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

(c.) if the accused person is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

(7.) The Director of public prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years' standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of Her Majesty's Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of Her Majesty's Treasury may approve.

(8.) The costs incurred in defraying the expenses of the Director of public prosecutions under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of Her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of Her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

44. *Power to election court to order payment by county or borough or individual of costs of election petition.*]

(1.) Where upon the trial of an election petition respecting an election for a county or borough it appears to the election court that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows;

(a.) if it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough; and

(b.) if it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the Parliamentary Elections Act, 1868, and under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause,

or matter in the High Court on the higher scale, as between solicitor and client.

#### Miscellaneous.

45. *Inquiry by Director of public prosecutions into alleged corrupt or illegal practices.*] Where information is given to the Director of public prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

46. *Removal of incapacity on proof that it was procured by perjury.*] Where a person has, either before or after the commencement of this Act, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the Court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

47. *Amendment of law as to polling districts and polling places.*] (1.) Every county shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not in any case be constituted containing less than one hundred electors.

(2.) In every county the local authority who have power to divide that county into polling districts shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of carrying into effect this section.

(3.) The power of dividing a borough into polling districts vested in a local authority by the Representation of the People Act, 1867, and the enactments amending the same, may be exercised by such local authority from time to time, and as often as the authority think fit, and the said power shall be deemed to include the power of altering any polling district, and the said local authority shall from time to time, where necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

(a.) Every elector resident in the borough, if other than one herein-after mentioned, shall be enabled to poll within a distance not exceeding one mile from his residence, so nevertheless that a polling district need not be constituted containing less than three hundred electors; and

(b.) Every elector resident in the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, shall be enabled to poll within a distance not exceeding three miles from his residence, so nevertheless that a polling district need not be constituted containing less than one hundred electors.

(4.) So much of section five of the Ballot Act, 1872, and the enactments amending the same as in force and is not repealed by this Act, shall apply as if the same were incorporated in this section.

(5.) The expenses incurred by the local authority of a county or borough under this or any other Act in dividing their county or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places, shall be defrayed in like manner as if they were expenses incurred by the registration officer in the execution of the enactments respecting the registration of electors in such county or borough, and those enactments, so far as is consistent with the tenor thereof, shall apply accordingly.

48. *Conveyance of voters by sea in certain cases.*] Where the nature of a county is such that any electors residing therein are unable at an election

for such county to reach their polling place without crossing the sea or a branch or arm thereof, this Act shall not prevent the provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this Act.

49. *Election commissioners not to inquire into elections before the passing of this Act.* Notwithstanding the provisions of the Act 15 & 16 Vict. cap. 57, or any amendment thereof, in any case where, after the passing of this Act, any commissioners have been appointed, on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act: Provided that nothing herein contained shall affect any proceedings that shall be pending at the time of such passing.

#### Legal Proceedings.

50. *Trial in Central Criminal Court of indictment for corrupt practice at instance of Attorney-General.* Where an indictment as defined by this Act for any offence under the Corrupt Practices Prevention Acts or this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment should be tried in the Central Criminal Court, or if a special jury is ordered, that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the Court may think just, and the High Court may make such orders as appear to the Court necessary or proper for carrying into effect the order for such trial.

51. *Limitation of time for prosecution of offence.* (1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence under the Corrupt Practices Prevention Acts or this Act shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed, and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

(2.) For the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender and not the issue thereof, shall be deemed to be the commencement of the proceeding.

52. *Persons charged with corrupt practice may be found guilty of illegal practices.* Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, (which offence shall for that purpose be an indictable offence,) and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

53. *Application of enactments of 17 & 18 Vict. c.*

102, and 26 & 27 Vict. c. 29, relating to prosecutions for bribery.] (1.) Sections ten, twelve, and thirteen of the Corrupt Practices Prevention Act, 1854, and section 6 of the Corrupt Practices Prevention Act, 1863 (which relate to prosecutions for bribery and other offences under those Acts), shall extend to any prosecution on indictment for the offence of any corrupt practice within the meaning of this Act, and to any action for any pecuniary forfeiture for an offence under this Act, in like manner as if such offence were bribery within the meaning of those Acts, and such indictment or action were the indictment or action in those sections mentioned, and an order under the said section ten may be made on the defendant; but the Director of public prosecutions or any person instituting any prosecution in his behalf or by direction of an election court shall not be deemed to be a private prosecutor, nor required under the said sections to give any security.

(2.) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she thinks fit, be examined as an ordinary witness in the case.

(3.) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

54. *Prosecution on summary conviction, and appeal to quarter sessions.* (1.) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.

(2.) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act may appeal to general or quarter sessions against such conviction.

55. *Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.* (1.) Except that nothing in this Act shall authorise any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2.) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

56. *Exercise of jurisdiction of High Court, and making of rules of court.* (1.) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges:

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2.) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and of the Parliamentary Elections Act, 1863, and the Acts amending the same, by the same

authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

57. *Director of public prosecutions, and expenses of prosecutions.* (1.) The Director of public prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney General; and any assistant or representative of the Director of public prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the Director of public prosecutions.

(2.) Subject to the provisions of this Act, the costs of any prosecution on indictment for an offence punishable under this Act, whether by the Director of public prosecutions or his representative or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

58. *Recovery of costs payable by county or borough or by person.* (1.) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act, to be paid by a county or borough, the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like manner as if such costs and sums were expenses of election commissioners paid by them, and the Election Commissioners Expenses Acts, 1869 and 1871, shall apply accordingly as if they were herein enacted and in terms made applicable to the above-mentioned costs and sums.

(2.) Where any costs or other sums are, under the order of an election court, or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

#### Supplemental Provisions, Definitions, Savings, and Repeal.

59. *Obligation of witness to answer, and certificate of indemnity.* (1.) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election, on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege;

Provided that—

(a.) a witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered: and

(b.) an answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him:

(2.) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under the Corrupt Practices Prevention Acts or this Act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

(3.) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4.) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

(5.) Where a solicitor or person lawfully acting



as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

60. *Submission of report of election court or commissioners to Attorney-General.* [An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.]

61. *Breach of duty by officer.* (1.) Section eleven of the Ballot Act, 1872, shall apply to a returning officer or presiding officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act in like manner as if the same were in contravention of the Ballot Act, 1872.

(2.) Section ninety-seven of the Parliamentary Registration Act, 1843, shall apply to every registration officer who is guilty of any wilful misfeasance or wilful act of commission or omission contrary to this Act in like manner as if the same were contrary to the Parliamentary Registration Act, 1843.

62. *Publication and service of notices.* (1.) Any public notice required to be given by the returning officer under this Act shall be given in the manner in which he is directed by the Ballot Act, 1872, to give a public notice.

(2.) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

(3.) In the form of notice of a parliamentary election set forth in the Second Schedule to the Ballot Act, 1872, the words "or any illegal practice" shall be inserted after the words "or other corrupt practices," and the words "Corrupt and Illegal Practices Prevention Act, 1883," shall be inserted after the words "Corrupt Practices Prevention Act, 1854."

63. *Definition of candidate, and saving for persons nominated without consent.* (1.) In the Corrupt Practices Prevention Acts, as amended by this Act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued:

(2.) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

(a.) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to

such nomination or declaration or has been elected; and

(b.) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

64. *General interpretation of terms.* [In this Act, unless the context otherwise requires—

The expression "election" means the election of a member or members to serve in Parliament:

The expression "election petition" means a petition presented in pursuance of the Parliamentary Elections Act, 1863, as amended by this Act:

The expression "election court" means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that court:

The expression "Election Commissioners" means commissioners appointed in pursuance of the Election Commissioners Act, 1852, and the enactments amending the same:

The expression "High Court" means Her Majesty's High Court of Justice in England:

The expressions "court of summary jurisdiction," "petty sessional court," and "Summary Jurisdiction Acts" have the same meaning as in the Summary Jurisdiction Act, 1879:

The expression "the Attorney General" includes the Solicitor General in cases where the office of the Attorney General is vacant or the Attorney General is interested or otherwise unable to act:

The expression "registration officer" means the clerk of the peace in a county, and the town clerk in a borough, as respectively defined by the enactments relating to the registration of parliamentary electors:

The expression "elector" means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used:

The expression "register of electors" means the said register roll or book:

The expression "polling agent" means an agent of the candidate appointed to attend at a polling station in pursuance of the Ballot Act, 1872, or of the Acts therein referred to or amending the same:

The expression "person" includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act:

The expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting business with his agents in relation to such election: nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committeemen, or others:

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough or under the Acts relating to Municipal Corporations or to the Poor Law, or under the Elementary Education Act, 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city,

borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above-mentioned, and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors," shall, where expressed to refer to an election for any such public office, be construed accordingly:

The expression "judicial office" includes the office of justice of the peace and revising barrister:

The expression "personal expenses" as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election:

The expression "indictment" includes information:

The expression "costs" includes costs, charges, and expenses:

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary reward" and "money" shall be deemed to include any office, place, or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly:

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874:

Other expressions have the same meaning as in the Corrupt Practices Prevention Acts.

65. *Short titles.* (1.) The enactments described in the Third Schedule to this Act are in this Act referred to as the Corrupt Practices Prevention Acts.

(2.) The Acts mentioned in the Fourth Schedule to this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in that schedule mentioned.

(3.) This Act may be cited as the Corrupt and Illegal Practices Prevention Act, 1883.

(4.) This Act and the Corrupt Practices Prevention Acts may be cited together as the Corrupt Practices Prevention Acts, 1854 to 1883.

66. *Repeal of Acts.* [The Acts set forth in the Fifth Schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.]

67. *Commencement of Act.* [This Act shall come into operation on the fifteenth day of October one thousand eight hundred and eighty three, which day is in this Act referred to as the commencement of this Act.]

#### *Application of Act to Scotland.*

68. *Application of Act to Scotland.* [This Act shall apply to Scotland, with the following modifications:

(1.) The following expressions shall mean as follows:

The expression "misdemeanour" shall mean crime and offence:

The expression "indictment" shall include criminal letters:

The expression "solicitor" shall mean enrolled law agent:

The expression "revising barrister" shall mean sheriff:

The expression "barrister" shall mean advocate:



The expression "petty sessional court" shall mean sheriff court:

The expression "quarter sessions" shall mean the Court of Justiciary:

The expression "registration officer" shall mean an assessor under the enactments relating to the registration of parliamentary voters:

The expression "municipal borough" shall include royal burgh and burgh of regality and burgh of barony:

The expression "Acts relating to municipal corporations" shall include the General Police and Improvement (Scotland) Act, 1862, and any other Act relating to the constitution and government of burghs in Scotland:

The expression "mayor" shall mean provost or chief magistrate:

The expression "alderman" shall mean bailie:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

(2.) The provisions of this Act with respect to polling districts and the expenses of dividing a county or borough into polling districts shall not apply to Scotland.

(3.) The provisions respecting the attendance at the trial of an election petition of a representative of the Director of public prosecutions shall not apply to Scotland, and in place thereof the following provisions shall have effect:

(a.) At the trial of every election petition in Scotland Her Majesty's advocate shall be represented by one of his deputies or by the procurator-fiscal of the sheriff court of the district, who shall attend such trial as part of his official duty, and shall give all necessary assistance to the judge with respect to the citation of witnesses and recovery of documents:

(b.) If the judge shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's advocate in order that such person may be brought to trial before the High Court of Justiciary or the sheriff, according to the nature of the case:

(c.) It shall be the duty of the advocate depute or, in his absence, the procurator-fiscal, if it appears to him that a corrupt or illegal practice within the meaning of this Act has been committed by any person who has not received a certificate of indemnity, to report the case to Her Majesty's advocate in order to such person being brought to trial before the proper court, although no warrant may have been issued by the judge.

(4.) The jurisdiction of the High Court of Justice under this Act shall, in Scotland, be exercised by one of the Divisions of the Court of Session, or by a judge of the said court to whom the same may be remitted by such division, and subject to an appeal thereto, and the Court of Session shall have power to make Acts of sederunt for the purposes of this Act.

(5.) Court of Oyer and Terminer shall mean a circuit court of Justiciary, and the High Court of Justiciary shall have powers to make acts of adjournal regulating the procedure in appeals to the circuit court under this Act.

(6.) All offences under this Act punishable on summary conviction may be prosecuted in the sheriff court in manner provided by the Summary Jurisdiction Acts, and all necessary jurisdictions are hereby conferred on sheriffs.

(7.) The authority given by this Act to the Director of public prosecutions in England shall in Scotland be exercised by Her Majesty's advocate, and the reference to the Prosecution of Offences Act, 1879, shall not apply.

(8.) The expression "Licensing Acts" shall mean "the Public Houses Acts Amendment (Scotland) Act, 1862," and "The Publicans' Certificates (Scotland) Act, 1876," and the Acts thereby amended and therein recited.

(9.) The expression "register of licences" shall mean the register kept in pursuance of section twelve of the Act of the ninth year of the reign of King George the Fourth, chapter fifty-eight.

(10.) The references to the Public Health Act, 1875, and to the Elementary Education Act, 1870,

shall be construed to refer to the Public Health (Scotland) Act, 1867, and to the Elementary Education (Scotland) Act, 1872.

(11.) Any reference to the Parliamentary Elections Returning Officers Act, 1875, shall not apply.

(12.) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the assessor shall in counties include the names of such persons in the list of persons who have become disqualified, and in boroughs shall omit the names of such persons from the list of persons entitled to vote.

(13.) The power given by this Act to the Lord Chancellor in England shall in Scotland except so far as relates to the justices of the peace be exercised by the Lord Justice General.

(14.) Any reference to the Attorney-General shall refer to the Lord Advocate.

(15.) The provisions with respect to the removal of cases to the Central Criminal Court or to the trial of cases at the Royal Courts of Justice shall not apply.

(16.) Section thirty-eight of the County Voters Registration (Scotland) Act, 1861, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.

(17.) The provision of this Act with regard to costs shall not apply to Scotland, and instead thereof the following provision shall have effect:

The costs of petitions and other proceedings under "The Parliamentary Elections Act, 1868," and under this Act, shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as costs between agent and client are taxed in a cause in that court, and the auditor shall not allow any costs, charges, or expenses on a higher scale.

#### *Application of Act to Ireland.*

69. *Application of Act to Ireland.* This Act shall apply to Ireland, with the following modifications:

(1.) No person shall be tried for any offence against this Act under any of the provisions of the Prevention of Crime (Ireland) Act, 1882.

(2.) The expression "Summary Jurisdiction Acts" means, with reference to the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace and of the police in such district; and with reference to other parts of Ireland means the Petty Sessions (Ireland) Act, 1851, and any Acts amending the said Act.

(3.) Section one hundred and three of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, shall be substituted for section ninety-seven of the Parliamentary Registration Act, 1843, where reference is made to that section in this Act.

(4.) The provision with respect to the registration officer sending the corrupt and illegal practices list to overseers and the dealing with such list by overseers shall not apply, and in lieu thereof it is hereby enacted that the registration officer shall, after making out such list, himself publish the same in the manner in which he publishes the lists referred to in the twenty-first and the thirty-third sections of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine; and shall also in the case of every person in the corrupt and illegal practices list enter "objected to" against his name in the register and lists made out by such registration officer in like manner as he is by law required to do in other cases of disqualification.

(5.) The Supreme Court of Judicature in Ireland shall be substituted for the Supreme Court of Judicature.

(6.) The High Court of Justice in Ireland shall be substituted for the High Court of Justice in England.

(7.) The Lord High Chancellor of Ireland shall be substituted for the Lord High Chancellor of Great Britain.

(8.) The Attorney-General for Ireland shall be

substituted for the Director of Public Prosecutions, and the reference to the prosecution of the Offences Act, 1879, shall not apply.

(9.) The provisions of this Act relative to polling districts shall not apply to Ireland, but in the county of the town of Galway there shall be a polling station at Barna, and at such other places within the parliamentary borough of Galway as the town commissioners may appoint.

(10.) Any reference to Part IV. of the Municipal Corporations Act, 1882, shall be construed to refer to the Corrupt Practices (Municipal Elections) Act, 1872.

(11.) Any reference to the [Licensing Acts shall be construed to refer to the Licensing Acts (Ireland), 1872-1874.

(12.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875.

(13.) The provisions with respect to the removal of cases to the Central Criminal Court, or to the trial of cases at the Royal Courts of Justice, shall not apply to Ireland.

#### *Continuance.*

70. *Continuance.* This Act shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-four, and no longer, unless continued by Parliament; and such of the Corrupt Practices Prevention Acts as are referred to in Part One of the Third Schedule to this Act shall continue in force until the same day, and no longer, unless continued by Parliament.

### SCHEDULES.

#### FIRST SCHEDULE.

##### PART I.

#### PERSONS LEGALLY EMPLOYED FOR PAYMENT.

(1.) One election agent and no more.

(2.) In counties one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.

(3.) One polling agent in each polling station and no more.

(4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.

(5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.

(6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

(7.) Any such paid election agent, sub-agent, polling agent, clerk, and messenger may or may not be an elector but may not vote.

(8.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of this part of this schedule shall apply as if such borough were a county.

PART II.

LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

- (1.) Sums paid to the returning officer for his charges not exceeding the amount authorised by the Act 38 & 39 Vict. c. 84.
- (2.) The personal expenses of the candidate.
- (3.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.
- (4.) The expenses of stationery, messages, postage, and telegrams.
- (5.) The expenses of holding public meetings.
- (6.) In a borough the expenses of one committee room, and if the number of electors in the borough exceeds five hundred then of a number of committee rooms, not exceeding the number of one committee room for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete five hundred.
- (7.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds five hundred, one additional committee room may be hired for every complete five hundred electors in such polling district over and above the first five hundred.

PART III.

Maximum for Miscellaneous Matters.

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule not exceeding in the whole the maximum amount of two hundred pounds, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

PART IV.

Maximum scale.

(1.) In a borough the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2,000 . . . . .	£350.
Exceeds 2,000 . . . . .	£380, and an additional £30 for every complete 1,000 electors above 2,000.

Provided that in Ireland if the number of electors on the register—	The maximum amount shall be—
Does not exceed 500 . . . . .	£200.
Exceeds 500, but does not exceed 1,000 . . . . .	£250.
Exceeds 1,000, but does not exceed 1,500 . . . . .	£275.

(2.) In a county the expenses mentioned above in Parts I., II., and III. of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2,000 . . . . .	£650 in England and Scotland, and £500 in Ireland.
Exceeds 2,000 . . . . .	£710 in England and Scotland, and £540 in Ireland; and an additional £60 in England and Scotland, and £40 in

Ireland, for every complete 1,000 electors above 2,000.

PART V.

General.

- (1.) In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, the provisions of Parts II., III., and IV. of this schedule shall apply as if such borough were a county.
- (2.) For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.
- (3.) Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III. and IV. of this schedule shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.
- (4.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

- (a.) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.
- (b.) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.
- (c.) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such excess or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

SECOND SCHEDULE.

PART I.

FORM OF DECLARATIONS AS TO EXPENSES.

Form for Candidate.

I, *A.B.*, having been a candidate at the election for the county [or borough] of *C.D.* on the day of *E.F.*, do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [or if the candidate is his own election agent, "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked *G.H.*, and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to my election agent [if the candidate is also his own election agent, leave out "to my election agent"] the sum of *I.L.* pounds and

no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [or if the candidate is his own election agent, "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of *E.F.*, before me. (Signed) *E.F.* Justice of the Peace for

Form for Election Agent.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [or borough] of *E.F.*, on the day of *G.H.*, do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked *I.L.*, and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have received from the said candidate pounds and no more [or nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

Signature of declarant *A.B.*

Signed and declared by the above-named declarant on the day of *E.F.*, before me.

(Signed) *E.F.* Justice of the Peace for

FORM OF RETURN OF ELECTION EXPENSES.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [or borough] of *E.F.* on the day of *G.H.*, make the following return respecting election expenses of the said candidate at the said election [or where the candidate has named himself as election agent, "I, *C.D.*, candidate at the election for the county [or borough] of *E.F.* on the day of *G.H.*, acting as my own election agent, make the following return respecting my election expenses "at the said election"]:

Receipts.

Received of [the above-named candidate] [or where the candidate is his own election agent, "Paid by me"] £ *I.L.*

Received of *J.K.* £ *M.N.*

[Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, and the amount received from



each person, club, society, or association separately.]

*Expenditure.*

Paid to E. F., the returning officer for the said county [or borough] for his charges at the said election . . . . . £

Personal expenses of the said C. D., paid by himself [or if the candidate is his own election agent, "Paid by me as candidate"] . . . . . £

Do. Do. paid by me [or if the candidate is his own election agent, add "acting as election agent"] . . . . . £

Received by me for my services as election agent at the said election [or if the candidate is his own election agent, leave out this item] . . . . . £

Paid to G. H. as sub-agent of the polling district of . . . . . £

[The name and description of each sub-agent and the sum paid to him must be set out separately.]

Paid to as polling agent . . . . . £

Paid to as clerk for days services . . . . . £

Paid to as messenger for days services . . . . . £

[The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each, must be set out separately either in the account or in a separate list annexed to and referred to in the account, thus, "Paid to polling agent (or as the case may be) as per annexed list £ . . ."]

Paid to the following persons in respect of goods supplied or work and labour done:

To P. Q. (printing) . . . . . £

To M. N. (advertising) . . . . . £

To R. S. (stationery) . . . . . £

[The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

Paid for postage . . . . . £

Paid for telegrams . . . . . £

Paid for the hire of rooms as follows:—

For holding public meetings . . . . . £

For committee rooms . . . . . £

[A room hired for a public meeting or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

Paid for miscellaneous matters, namely— £

[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]

In addition to the above, I am aware, as election agent for C. D. [or if the candidate is his own election agent, leave out "as election agent for C. D."], of the following disputed and unpaid claims; namely,—

Disputed claims.

By T. U. for . . . . . £

[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]

Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court.

By M. O. for . . . . . £

[Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.]

(Signed) A. B.

## PART II.

## FORM OF DECLARATION AS TO EXPENSES.

Form for candidate where declared a candidate or nominated in his absence and taking no part in the election.

I, , having been nominated [or having been declared by others] in my absence [to be] a candidate at the election for the county or borough of held on the day of , do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare that [or with the exception of ] I have not, and no person, club, society, or association at my expense has, made any payment or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [or with the exception of ] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election, and that [or with the exception of ] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by anyone for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

Signature of declarant C. D.

Signed and declared by the above-named declarant on the day of , before me,

(Signed) E. F.

Justice of the Peace for

## THIRD SCHEDULE.

## CORRUPT PRACTICES PREVENTION ACTS.

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
----------------------	---------------	--

## PART ONE.

*Temporary.*

17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854.	The whole Act so far as unrepealed.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act so far as unrepealed.
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	The whole Act so far as unrepealed.
35 & 36 Vict. c. 33	The Ballot Act, 1872.	Part III. so far as unrepealed.
42 & 43 Vict. c. 75	The Parliamentary Elections and Corrupt Practices Act, 1879.	The whole Act so far as unrepealed.

Session and Chapter.	Title of Act.	Enactments referred to as being the Corrupt Practices Prevention Acts.
----------------------	---------------	--

## PART TWO.

*Permanent.*

30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	Sections eleven, forty-nine, and fifty.
31 & 32 Vict. c. 48	The Representation of the People (Scotland) Act, 1868.	Sections eight and forty-nine.
21 & 32 Vict. c. 49	The Representation of the People (Ireland) Act, 1868.	Sections eight and thirteen.
44 & 45 Vict. c. 40	The Universities Elections Amendment (Scotland) Act, 1881.	Sub-section seventeen of section two.

## PART THREE.

## ENACTMENTS DEFINING THE OFFENCES OF BRIBERY AND PERJURATION.

The Corrupt Practices Prevention Act, 1854, 17 & 18 Vict. c. 102, ss. 2, 3.  
s. 2. *Bribery defined.* The following persons shall

be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure

or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do such act as aforesaid on account



- of such voter having voted or refrained from voting at any election:
- (2.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election:
  - (3.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:
  - (4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election:
  - (5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election. Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

s. 3. *Bribery further defined.*] The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

- (1.) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election:
- (2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The Representation of the People Act, 1867, 30 & 31 Vict. c. 102, s. 49.

*Corrupt payment of rates to be punishable as bribery.*] Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made, shall also be guilty of bribery, and punishable accordingly.

The Representation of the People (Scotland) Act, 1863, 31 & 32 Vict. c. 48, s. 49.

*Corrupt payment of rates to be punishable as bribery.*] Any person, either directly or indirectly, cor-

ruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

The Universities Elections Amendment (Scotland) Act, 1881, 44 & 45 Vict. c. 40, s. 2.

17. *Corrupt payment of registration fee to be punishable as bribery.*] Any person, either directly or indirectly, corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election, and any candidate or other person, either directly or to indirectly, paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made, shall also be guilty of bribery, and punishable accordingly.

The Ballot Act, 1872, 35 & 36 Vict. c. 33, s. 24.

*Personation defined.*] A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

#### FOURTH SCHEDULE.

##### SHORT TITLES.

Session and Chapter.	Long Title.	Short title.
15 & 16 Vict. c. 57	An Act to provide for more effectual inquiry into the existence of corrupt practices at the election of members to serve in Parliament.	Election Commissioners Act, 1852.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The Corrupt Practices Prevention Act, 1863.

#### FIFTH SCHEDULE.

##### ENACTMENTS REPEALED.

NOTE.—Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this Schedule in order to preclude henceforth the necessity of looking back to previous Acts.  
A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
60 Geo. 3, & 1 Geo. 4, c. 11	An Act for the better regulation of polls, and for making further provision touching the election of members to serve in Parliament for Ireland.	Section thirty-six.
1 & 2 Geo. 4, c. 58	An Act to regulate the expenses of election of members to serve in Parliament for Ireland.	The whole Act except section three.
4 Geo. 4, c. 55	An Act to consolidate and amend the several Acts now in force so far as the same relate to the election and return of members to serve in Parliament for the counties of cities and counties of towns in Ireland.	Section eighty-two.
17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854.	Section one. Section two, from "and any person so offending" to "with full costs of suit." Section three, from "and any person so offending" to the end of the section. Section four. Section five. Section six.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
21 & 22 Vict. c. 87	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	Section seven, from "and all payments" to the end of the section. Section nine, section fourteen, section twenty-three, section thirty-six, section thirty-eight, from "and the words personal expenses" to the end of the section, and section thirty-nine and schedule A. The whole Act.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act, except section six.
30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	Section thirty-four, from "and in other boroughs the justices" to "greater part thereof is situate" and section thirty-six. Section twenty-five.
31 & 32 Vict. c. 48	The Representation of the People (Scotland) Act, 1868.	Section twelve.
31 & 32 Vict. c. 49	The Representation of the People (Ireland) Act, 1868.	Section eighteen, from "The power of dividing their county" to the end of the section. So much of section three as relates to the definitions of "candidate." Section sixteen. Section thirty-three. Section thirty-six. Section forty-one, from "but according to the same principles" to "the High Court of Chancery." Section forty-three. Section forty-five. Section forty-six. Section forty-seven. Section fifty-eight, from "The principles" down to "in the court of session," being sub-section sixteen. Section five, from the beginning down to "one hundred registered electors." Section twenty-four, from "The offence of personation, or of aiding," to "hard labour," and from "The offence of personation shall be deemed to be" to the end of the section.
31 & 32 Vict. c. 58	The Parliamentary Electors Registration Act, 1868.	Section three and schedule.
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	The whole Act except sections one and three.
35 & 36 Vict. c. 33	The Ballot Act, 1872.	
42 & 43 Vict. c. 75	The Parliamentary Elections and Corrupt Practices Act, 1879.	
43 Vict. c. 18	The Parliamentary Elections and Corrupt Practices Act, 1880.	

## CAP. LII.

An Act to amend and consolidate the Law of Bankruptcy. [25th August 1883.]

Be it enacted, &c.:

## Preliminary.

1. *Short title.*] This Act may be cited as the Bankruptcy Act, 1883.

2. *Extent of Act.*] This Act shall not, except so far as is expressly provided, extend to Scotland or Ireland.

3. *Commencement of Act.*] This Act shall, except as by this Act otherwise provided, commence and come into operation from and immediately after the thirty-first day of December one thousand eight hundred and eighty-three.

## PART I.

## PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

## Acts of Bankruptcy.

4. *Acts of Bankruptcy.*] (1.) A debtor commits an act of bankruptcy in each of the following cases:—

(a.) If in England or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally;

(b.) If in England or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof;

(c.) If in England or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would under this or any other Act be void as a fraudulent preference if he were adjudged bankrupt.

(d.) If with intent to defeat or delay his creditors he does any of the following things, namely, departs out of England, or being out of England remains out of England, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house:

(e.) If execution issued against him has been levied by seizure and sale of his goods under process in an action in any court, or in any civil proceeding in the High Court:

(f.) If he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself:

(g.) If a creditor has obtained a final judgment against him for any amount, and execution thereon not having been stayed, has served on him in England, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment debt in accordance with the terms of the judgment, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within seven days after service of the notice, in case the service is effected in England, and in case the service is effected elsewhere, then within the time limited in that behalf by the order giving leave to effect the service, either comply with the requirements of the notice, or satisfy the Court that he has a counter-claim set off or cross de-

mand which equals or exceeds the amount of the judgment debt, and which he could not set up in the action in which the judgment was obtained:

(h.) If the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2.) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

## Receiving Order.

5. *Jurisdiction to make receiving order.*] Subject to the conditions herein-after specified, if a debtor commits an act of bankruptcy the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act calling a receiving order, for the protection of the estate.

6. *Conditions on which creditor may petition.*] (1.) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a.) The debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition the aggregate amount of debts owing to the several petitioning creditors, amounts to fifty pounds, and

(b.) The debt is a liquidated sum, payable either immediately or at some certain future time, and

(c.) The act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition, and

(d.) The debtor is domiciled in England, or,



within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England.

(2.) If the petitioning creditor is a secured creditor, he must, in his petition, either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

7. *Proceedings and order on creditor's petition.* (1.) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2.) At the hearing the Court shall require proof of the debt of the petitioning creditor of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3.) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4.) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure, or compound for a judgment debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the judgment.

(5.) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may instead of dismissing the petition stay all proceedings on the petition for such time as may be required for trial of the questions relating to the debt.

(6.) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7.) A creditor's petition shall not, after presentation, be withdrawn without the leave of the Court.

8. *Debtor's petition and order thereon.* (1.) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts, and the court shall thereupon make a receiving order.

(2.) A debtor's petition shall not, after presentation, be withdrawn without the leave of the Court.

9. *Effect of receiving order.* (1.) On the making of a receiving order an official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2.) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

10. *Discretionary powers as to appointment of receiver and stay of proceedings.* (1.) The Court may, if it is shown to be necessary for the protection of

the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2.) The Court may at any time after the presentation of a bankruptcy petition stay any action, execution, or other legal process against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

11. *Service of order staying proceedings.* Where the Court makes an order staying any action or proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the address for service of the plaintiff or other party prosecuting such proceeding.

12. *Power to appoint special manager.* (1.) The official receiver of a debtor's estate may, on the application of any creditor or creditors, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2.) The special manager shall give security and account in such manner as the Board of Trade may direct.

(3.) The special manager shall receive such remuneration as the creditors may, by resolution at an ordinary meeting, determine, or in default of any such resolution, as may be prescribed.

13. *Advertisement of receiving order.* Notice of every receiving order, stating the name, address, and description of the debtor, the date of the order, the Court by which the order is made, and the date of the petition, shall be gazetted and advertised in a local paper in the prescribed manner.

14. *Power to Court to annul receiving order in certain cases.* If in any case where a receiving order has been made on a bankruptcy petition it shall appear to the Court by which such order was made, upon an application by the official receiver or any creditor or other person interested, that a majority of the creditors in number and value are resident in Scotland or in Ireland, and that from the situation of the property of the debtor, or other causes, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of Scotland or Ireland, the said Court, after such inquiry as to it shall seem fit, may rescind the receiving order and stay all proceedings on, or dismiss the petition upon such terms, if any, as the Court may think fit.

#### *Proceedings consequent on Order.*

15. *First and other meetings of creditors.* (1.) As soon as may be after the making of a receiving order against a debtor a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2.) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the First Schedule shall be observed.

16. *Debtor's statement of affairs.* (1.) Where a receiving order is made against a debtor, he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts, and liabilities, the names, residences, and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2.) The statement shall be so submitted within the following times, namely:

(i.) If the order is made on the petition of the debtor, within three days from the date of the order.

(ii.) If the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3.) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4.) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee or official receiver.

#### *Public Examination of Debtor.*

17. *Public examination of debtor.* (1.) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings, and property.

(2.) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3.) The Court may adjourn the examination from time to time.

(4.) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5.) The official receiver shall take part in the examination of the debtor; and for the purpose thereof, if specially authorised by the Board of Trade, may employ a solicitor with or without counsel.

(6.) If a trustee is appointed before the conclusion of the examination he may take part therein.

(7.) The Court may put such questions to the debtor as it may think expedient.

(8.) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9.) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

#### *Composition or Scheme of Arrangement.*

18. *Power for creditors to accept and Court to approve composition or arrangement.* (1.) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor, or a proposal for a scheme of arrangement of the debtor's affairs.

(2.) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from such composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by such official receiver not later than the day preceding such subsequent meeting, and such creditor shall be taken as being present and voting at such meeting.

(3.) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4.) The debtor or the official receiver may, after the composition or scheme is accepted by the

Session and Chapter.	Title or Short Title.	Extent of Repeal.
21 & 22 Vict. c. 87	An Act to continue and amend the Corrupt Practices Prevention Act, 1854.	Section seven, from "and all payments" to the end of the section. Section nine, section fourteen, section twenty-three, section thirty-six, section thirty-eight, from "and the words personal expenses" to the end of the section, and section thirty-nine and schedule A. The whole Act.
26 & 27 Vict. c. 29	An Act to amend and continue the law relating to corrupt practices at elections of members of Parliament.	The whole Act, except section six.
30 & 31 Vict. c. 102	The Representation of the People Act, 1867.	Section thirty-four, from "and in other boroughs the justices" to "greater part thereof is situate" and section thirty-six. Section twenty-five.
31 & 32 Vict. c. 48	The Representation of the People (Scotland) Act, 1868.	Section twelve.
31 & 32 Vict. c. 49	The Representation of the People (Ireland) Act, 1868.	Section eighteen, from "The power of dividing their county" to the end of the section. So much of section three as relates to the definitions of "candidate." Section sixteen. Section thirty-three. Section thirty-six. Section forty-one, from "but according to the same principles" to "the High Court of Chancery." Section forty-three. Section forty-five. Section forty-six. Section forty-seven.
31 & 32 Vict. c. 58	The Parliamentary Electors Registration Act, 1868.	Section fifty-eight, from "The principles" down to "in the court of session," being sub-section sixteen. Section five, from the beginning down to "one hundred registered electors." Section twenty-four, from "The offence of personation, or of aiding," to "hard labour," and from "The offence of personation shall be deemed to be" to the end of the section.
31 & 32 Vict. c. 125	The Parliamentary Elections Act, 1868.	Section three and schedule.
35 & 36 Vict. c. 33	The Ballot Act, 1872.	The whole Act except sections one and three.
42 & 43 Vict. c. 75	The Parliamentary Elections and Corrupt Practices Act, 1879.	
43 Vict. c. 18	The Parliamentary Elections and Corrupt Practices Act, 1880.	

## CAP. LII.

An Act to amend and consolidate the Law of Bankruptcy. [25th August 1883.]

Be it enacted, &c.:

## Preliminary.

1. *Short title.*] This Act may be cited as the Bankruptcy Act, 1883.

2. *Extent of Act.*] This Act shall not, except so far as is expressly provided, extend to Scotland or Ireland.

3. *Commencement of Act.*] This Act shall, except as by this Act otherwise provided, commence and come into operation from and immediately after the thirty-first day of December one thousand eight hundred and eighty-three.

## PART I.

## PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

## Acts of Bankruptcy.

4. *Acts of Bankruptcy.*] (1.) A debtor commits an act of bankruptcy in each of the following cases:—

(a.) If in England or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally:

(b.) If in England or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof:

(c.) If in England or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon which would under this or any other Act be void as a fraudulent preference if he were adjudged bankrupt.

(d.) If with intent to defeat or delay his creditors he does any of the following things, namely, departs out of England, or being out of England remains out of England, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house:

(e.) If execution issued against him has been levied by seizure and sale of his goods under process in an action in any court, or in any civil proceeding in the High Court:

(f.) If he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself:

(g.) If a creditor has obtained a final judgment against him for any amount, and execution thereon not having been stayed, has served on him in England, or, by leave of the Court, elsewhere, a bankruptcy notice under this Act, requiring him to pay the judgment debt in accordance with the terms of the judgment, or to secure or compound for it to the satisfaction of the creditor or the Court, and he does not, within seven days after service of the notice, in case the service is effected in England, and in case the service is effected elsewhere, then within the time limited in that behalf by the order giving leave to effect the service, either comply with the requirements of the notice, or satisfy the Court that he has a counter-claim set off or cross de-

mand which equals or exceeds the amount of the judgment debt, and which he could not set up in the action in which the judgment was obtained:

(h.) If the debtor gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts.

(2.) A bankruptcy notice under this Act shall be in the prescribed form, and shall state the consequences of non-compliance therewith, and shall be served in the prescribed manner.

## Receiving Order.

5. *Jurisdiction to make receiving order.*] Subject to the conditions herein-after specified, if a debtor commits an act of bankruptcy the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order, in this Act calling a receiving order, for the protection of the estate.

6. *Conditions on which creditor may petition.*] (1.) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless—

(a.) The debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition the aggregate amount of debts owing to the several petitioning creditors, amounts to fifty pounds, and

(b.) The debt is a liquidated sum, payable either immediately or at some certain future time, and

(c.) The act of bankruptcy on which the petition is grounded has occurred within three months before the presentation of the petition, and

(d.) The debtor is domiciled in England, or,



within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England.

(2.) If the petitioning creditor is a secured creditor, he must, in his petition, either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him, after deducting the value so estimated in the same manner as if he were an unsecured creditor.

7. *Proceedings and order on creditor's petition.* (1.) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and served in the prescribed manner.

(2.) At the hearing the Court shall require proof of the debt of the petitioning creditor of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may make a receiving order in pursuance of the petition.

(3.) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(4.) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure, or compound for a judgment debt, the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the judgment.

(5.) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing the debt, may instead of dismissing the petition stay all proceedings on the petition for such time as may be required for trial of the questions relating to the debt.

(6.) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(7.) A creditor's petition shall not, after presentation, be withdrawn without the leave of the Court.

8. *Debtor's petition and order thereon.* (1.) A debtor's petition shall allege that the debtor is unable to pay his debts, and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts, and the court shall thereupon make a receiving order.

(2.) A debtor's petition shall not, after presentation, be withdrawn without the leave of the Court.

9. *Effect of receiving order.* (1.) On the making of a receiving order an official receiver shall be thereby constituted receiver of the property of the debtor, and thereafter, except as directed by this Act, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor in respect of the debt, or shall commence any action or other legal proceedings unless with the leave of the Court and on such terms as the Court may impose.

(2.) But this section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

10. *Discretionary powers as to appointment of receiver and stay of proceedings.* (1.) The Court may, if it is shown to be necessary for the protection of

the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint the official receiver to be interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

(2.) The Court may at any time after the presentation of a bankruptcy petition stay any action, execution, or other legal process against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that a bankruptcy petition has been presented by or against the debtor, either stay the proceedings or allow them to continue on such terms as it may think just.

11. *Service of order staying proceedings.* Where the Court makes an order staying any action or proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by prepaid post letter to the address for service of the plaintiff or other party prosecuting such proceeding.

12. *Power to appoint special manager.* (1.) The official receiver of a debtor's estate may, on the application of any creditor or creditors, and if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the official receiver, appoint a manager thereof accordingly to act until a trustee is appointed, and with such powers (including any of the powers of a receiver) as may be entrusted to him by the official receiver.

(2.) The special manager shall give security and account in such manner as the Board of Trade may direct.

(3.) The special manager shall receive such remuneration as the creditors may, by resolution at an ordinary meeting, determine, or in default of any such resolution, as may be prescribed.

13. *Advertisement of receiving order.* Notice of every receiving order, stating the name, address, and description of the debtor, the date of the order, the Court by which the order is made, and the date of the petition, shall be gazetted and advertised in a local paper in the prescribed manner.

14. *Power to Court to annul receiving order in certain cases.* If in any case where a receiving order has been made on a bankruptcy petition it shall appear to the Court by which such order was made, upon an application by the official receiver or any creditor or other person interested, that a majority of the creditors in number and value are resident in Scotland or in Ireland, and that from the situation of the property of the debtor, or other causes, his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of Scotland or Ireland, the said Court, after such inquiry as to it shall seem fit, may rescind the receiving order and stay all proceedings on, or dismiss the petition upon such terms, if any, as the Court may think fit.

#### Proceedings consequent on Order.

15. *First and other meetings of creditors.* (1.) As soon as may be after the making of a receiving order against a debtor a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained, or whether it is expedient that the debtor shall be adjudged bankrupt, and generally as to the mode of dealing with the debtor's property.

(2.) With respect to the summoning of and proceedings at the first and other meetings of creditors, the rules in the First Schedule shall be observed.

16. *Debtor's statement of affairs.* (1.) Where a receiving order is made against a debtor, he shall make out and submit to the official receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the debtor's assets, debts, and liabilities, the names, residences, and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

(2.) The statement shall be so submitted within the following times, namely:

(i.) If the order is made on the petition of the debtor, within three days from the date of the order.

(ii.) If the order is made on the petition of a creditor, within seven days from the date of the order.

But the Court may, in either case, for special reasons, extend the time.

(3.) If the debtor fails without reasonable excuse to comply with the requirements of this section, the Court may, on the application of the official receiver, or of any creditor, adjudge him bankrupt.

(4.) Any person stating himself in writing to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times, and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee or official receiver.

#### Public Examination of Debtor.

17. *Public examination of debtor.* (1.) Where the Court makes a receiving order it shall hold a public sitting, on a day to be appointed by the Court, for the examination of the debtor, and the debtor shall attend thereat, and shall be examined as to his conduct, dealings, and property.

(2.) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs.

(3.) The Court may adjourn the examination from time to time.

(4.) Any creditor who has tendered a proof, or his representative authorised in writing, may question the debtor concerning his affairs and the causes of his failure.

(5.) The official receiver shall take part in the examination of the debtor; and for the purpose thereof, if specially authorised by the Board of Trade, may employ a solicitor with or without counsel.

(6.) If a trustee is appointed before the conclusion of the examination he may take part therein.

(7.) The Court may put such questions to the debtor as it may think expedient.

(8.) The debtor shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing, and shall be read over and signed by the debtor, and may thereafter be used in evidence against him; they shall also be open to the inspection of any creditor at all reasonable times.

(9.) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of creditors.

#### Composition or Scheme of Arrangement.

18. *Power for creditors to accept and Court to approve composition or arrangement.* (1.) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor, or a proposal for a scheme of arrangement of the debtor's affairs.

(2.) The composition or scheme shall not be binding on the creditors unless it is confirmed by a resolution passed (by a majority in number representing three fourths in value of all the creditors who have proved) at a subsequent meeting of the creditors, and is approved by the Court.

Any creditor who has proved his debt may assent to or dissent from such composition or scheme by a letter addressed to the official receiver in the prescribed form, and attested by a witness, so as to be received by such official receiver not later than the day preceding such subsequent meeting, and such creditor shall be taken as being present and voting at such meeting.

(3.) The subsequent meeting shall be summoned by the official receiver by not less than seven days' notice, and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal, and shall be accompanied by a report of the official receiver thereon.

(4.) The debtor or the official receiver may, after the composition or scheme is accepted by the

creditors, apply to the court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5.) The Court shall, before approving a composition or scheme, hear a report of the official receiver as to the terms of the composition or scheme and as to the conduct of the debtor, and any objections which may be made by or on behalf of any creditor.

(6.) If the Court is of opinion that the terms of the composition or scheme are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the Court is required under this Act where the debtor is adjudged bankrupt to refuse his discharge, the Court shall, or if any such facts are proved as would under this Act justify the Court in refusing, qualifying, or suspending the debtor's discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(7.) If the Court approves the composition or scheme, the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme, or by the terms being embodied in an order of the Court.

(8.) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(9.) A certificate of the official receiver that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

(10.) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested, and any disobedience of an order of the Court made on the application shall be deemed a contempt of Court.

(11.) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court, on satisfactory evidence, that the composition or scheme cannot in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any creditor, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition, or payment duly made, or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section any debt provable in other respects, which has been contracted before the date of the adjudication, shall be provable in the bankruptcy.

(12.) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V. of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt," and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor, and order approving the composition or scheme.

(13.) Part III. of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt," and "order of adjudication" as in the last preceding sub-section.

(14.) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(15.) The acceptance by a creditor of a composition or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt.

19. *Effect of composition or scheme.* Notwithstanding the acceptance and approval of a composition or scheme, such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to the composition or scheme.

#### *Adjudication of Bankruptcy.*

20. *Adjudication of bankruptcy where composition not accepted or approved.* (1.) Where a receiving order is made against a debtor, then, if the creditors at the first meeting or any adjournment thereof by ordinary

resolution resolve that the debtor be adjudged bankrupt, or pass no resolution, or if the creditors do not meet, or if the composition or scheme is not accepted or approved in pursuance of this Act within fourteen days after the conclusion of the examination of the debtor or such further time as the Court may allow, the court shall adjudge the debtor bankrupt; and thereupon the property of the bankrupt shall become divisible among his creditors and shall vest in a trustee.

(2.) Notice of every order adjudging a debtor bankrupt, stating the name, address, and description of the bankrupt, the date of the adjudication, and the Court by which the adjudication is made, shall be gazetted and advertised in a local paper in the prescribed manner, and the date of the order shall for the purposes of this Act be the date of the adjudication.

21. *Appointment of trustee.* (1.) Where a debtor is adjudged bankrupt, or the creditors have resolved that he be adjudged bankrupt, the creditors may, by ordinary resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt; or they may resolve to leave his appointment to the committee of inspection herein after mentioned.

(2.) The person so appointed shall give security in manner prescribed to the satisfaction of the Board of Trade, and the Board, if satisfied with the security, shall certify that his appointment has been duly made, unless they object to the appointment on the ground that it has not been made in good faith by a majority in value of the creditors voting, or that the person appointed is not fit to act as trustee, or that his connexion with or relation to the bankrupt or his estate or any particular creditor makes it difficult for him to act with impartiality in the interests of the creditors generally.

(3.) Provided that where the Board make any such objection they shall, if so requested by a majority in value of the creditors, notify the objection to the High Court, and thereupon the High Court may decide on its validity.

(4.) The appointment of a trustee shall take effect as from the date of the certificate.

(5.) The official receiver shall not, save as by this Act provided, be the trustee of the bankrupt's property.

(6.) If a trustee is not appointed by the creditors within four weeks from the date of the adjudication, or in the event of negotiations for a composition or scheme being pending at the expiration of those four weeks, then within seven days from the close of those negotiations by the refusal of the creditors to accept, or of the court to approve, the composition or scheme, the official receiver shall report the matter to the Board of Trade, and thereupon the Board of Trade shall appoint some fit person to be trustee of the bankrupt's property, and shall certify the appointment.

(7.) Provided that the creditors or the committee of inspection (if so authorized by resolution of the creditors) may, at any subsequent time, if they think fit, appoint a trustee, and on the appointment being made and certified the person appointed shall become trustee in the place of the person appointed by the Board of Trade.

(8.) When a debtor is adjudged bankrupt after the first meeting of creditors has been held, and a trustee has not been appointed prior to the adjudication, the official receiver shall forthwith summon a meeting of creditors for the purpose of appointing a trustee.

22. *Committee of inspection.* (1.) The creditors, qualified to vote, may at their first or any subsequent meeting, by resolution, appoint from among the creditors qualified to vote, or the holders of general proxies or general powers of attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the trustee. The committee of inspection shall consist of not more than five nor less than three persons.

(2.) The committee of inspection shall meet at such times as they shall from time to time appoint, and failing such appointment, at least once a month; and the trustee or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3.) The committee may act by a majority of their members present at a meeting, but shall not

act unless a majority of the committee are present at the meeting.

(4.) Any member of the committee may resign his office by notice in writing signed by him, and delivered to the trustee.

(5.) If a member of the committee becomes bankrupt, or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee, his office shall thereupon become vacant.

(6.) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors of which seven days' notice has been given, stating the object of the meeting.

(7.) On a vacancy occurring in the office of a member of the committee, the trustee, shall forthwith summon a meeting of creditors for the purpose of filling the vacancy, and the meeting may, by resolution, appoint another creditor or other person eligible as above to fill the vacancy.

(8.) The continuing members of the committee, provided there be not less than two such continuing members, may act notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five.

(9.) If there be no committee of inspection, any act or thing or any direction or permission by this Act authorised or required to be done or given by the committee may be done or given by the Board of Trade on the application of the trustee.

23. *Power to accept composition or scheme after bankruptcy adjudication.* (1.) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy, or for a scheme of arrangement of the bankrupt's affairs; and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme accepted before adjudication.

(2.) If the Court approves, the composition or scheme it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court may appoint, on such terms, and subject to such conditions, if any, as the Court may declare.

(3.) If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt, and annul the composition or scheme, but without prejudice to the validity of any sale, disposition, or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section, all debts, provable in other respects, which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

#### *Control over Person and Property of Debtor.*

24. *Duties of debtor as to discovery and realisation of property.* (1.) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2.) He shall give such inventory of his property, such lists of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the official receiver, special manager, or trustee, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official receiver, special manager, or trustee, or may be prescribed by general rules, or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official receiver, special manager, trustee, or any creditor or person interested.



(3.) He shall, if adjudged bankrupt, aid, to the utmost of his power, in the realisation of his property and the distribution of the proceeds among his creditors.

(4.) If a debtor wilfully fails to perform the duties imposed on him by this section, or to deliver up possession of any part of his property, which is divisible amongst his creditors under this Act, and which is for the time being in his possession or under his control, to the official receiver or to the trustee, or to any person authorised by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly.

25. *Arrest of debtor under certain circumstances.*—(1.) The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, money, and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order under the following circumstances:

(a.) If after a bankruptcy notice has been issued under this Act, or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued, or of avoiding service of a bankruptcy petition, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy against him.

(b.) If, after presentation of a bankruptcy petition by or against him, it appears to the court that there is probable cause for believing that he is about to remove his goods with a view of preventing or delaying possession being taken of them by the official receiver or trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods, or any books, documents, or writings, which might be of use to his creditors in the course of his bankruptcy.

(c.) If, after service of a bankruptcy petition on him, or after a receiving order is made against him, he removes any goods in his possession above the value of five pounds, without the leave of the official receiver or trustee.

(d.) If, without good cause shown, he fails to attend any examination ordered by the Court.

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest shall be served with such bankruptcy notice.

(2.) No payment or composition made, or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

26. *Re-direction of debtor's letters.*—Where a receiving order is made against a debtor, the Court, on the application of the official receiver or trustee, may from time to time order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the debtor at any place, or places, mentioned in the order for re-direction shall be re-directed, sent or delivered by the Postmaster-General, or the officers acting under him, to the official receiver, or the trustee, or otherwise as the Court directs, and the same shall be done accordingly.

27. *Discovery of debtor's property.*—(1.) The Court may, on the application of the official receiver or trustee, at any time after a receiving order has been made against a debtor, summon before it the debtor or his wife, or any person known or suspected to have in his possession any of the estate or effects belonging to the debtor, or supposed to be indebted to the debtor, or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

(2.) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the court may, by

warrant, cause him to be apprehended and brought up for examination.

(3.) The Court may examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the debtor, his dealings or property.

(4.) If any person on examination before the Court admits that he is indebted to the debtor, his Court may, on the application of the official receiver or trustee, order him to pay to the receiver or trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the court thinks fit, without costs of the examination.

(5.) If any person on examination before the Court admits that he has in his possession any property belonging to the debtor, the Court may, on the application of the official receiver or trustee, order him to deliver to the official receiver or trustee such property, or any part thereof, at such time, and in such manner, and on such terms as to the Court may seem just.

(6.) The Court may, if it think fit, order that any person who, if in England would be liable to be brought before it under this section shall be examined in Scotland or Ireland, or in any other place out of England.

#### Discharge of bankrupt.

28. *Discharge of bankrupt.*—(1.) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open Court.

(2.) On the hearing of the application the Court shall take into consideration a report of the official receiver as to the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any misdemeanor under this Act, or Part II. of the Debtors Act, 1869, or any amendment thereof, and shall, on proof of any of the facts herein-after mentioned, either refuse the order, or suspend the operation of the order for a specified time, or grant an order of discharge, subject to such conditions as aforesaid.

(3.) The facts herein-before referred to are—

(a.) That the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy:

(b.) That the bankrupt has continued to trade after knowing himself to be insolvent:

(c.) That the bankrupt has contracted any debt provable in the bankruptcy, without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it:

(d.) That the bankrupt has brought on his bankruptcy by rash and hazardous speculations or unjustifiable extravagance in living:

(e.) That the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him:

(f.) That the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors:

(g.) That the bankrupt has on any previous occasion been adjudged bankrupt, or made a statutory composition or arrangement with his creditors:

(h.) That the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4.) For the purposes of this section the report of the official receiver shall be *prima facie* evidence of the statements therein contained.

(5.) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent

fourteen days at least before the day so appointed to each creditor who has proved, and the Court may hear the official receiver and the trustee, and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it may think fit.

(6.) The Court may, as one of the conditions referred to in this section, require the bankrupt to consent to judgment being entered against him by the official receiver or trustee for any balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge; but in such case execution shall not be issued on the judgment without leave of the Court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(7.) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realisation and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

29. *Fraudulent settlements.*—In either of the following cases; that is to say,

(1.) In the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2.) In the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

If the settlor is adjudged bankrupt or compounds or arranges with his creditors, and it appears to the Court that such settlement, covenant, or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court may refuse or suspend an order of discharge, or grant an order subject to conditions, or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

30. *Effect of order of discharge.*—(1.) An order of discharge shall not release the bankrupt from any debt on a recognisance nor from any debt with which the bankrupt may be chargeable at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence: and he shall not be discharged from such excepted debts unless the Treasury certify in writing their consent to his being discharged therefrom. An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(2.) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(3.) An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

(4.) An order of discharge shall not release any person who at the date of the receiving order was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

31. *Undischarged bankrupt obtaining credit to extent of £20 to be guilty of misdemeanor.*—Where an undischarged bankrupt who has been adjudged bankrupt under this Act obtains credit to the extent of twenty pounds or upwards from any person without

informing such person that he is an undischarged bankrupt, he shall be guilty of a misdemeanor, and may be dealt with and punished as if he had been guilty of a misdemeanor under the Debtors Act, 1869, and the provisions of that Act shall apply to proceedings under this section.

## PART II.

### DISQUALIFICATIONS OF BANKRUPT.

32. *Disqualifications of bankrupt.* (1.) Where a debtor is adjudged bankrupt he shall, subject to the provisions of this Act, be disqualified for—

- (a.) Sitting or voting in the House of Lords, or on any committee thereof, or being elected as a peer of Scotland or Ireland to sit and vote in the House of Lords;
- (b.) Being elected to, or sitting or voting in, the House of Commons, or on any committee thereof;
- (c.) Being appointed or acting as a justice of the peace;
- (d.) Being elected to or holding or exercising the office of mayor, alderman, or councillor;
- (e.) Being elected to or holding or exercising the office of guardian of the poor, overseer of the poor, member of a sanitary authority, or member of a school board, highway board, burial board, or select vestry.

(2.) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when,—

- (a.) The adjudication of bankruptcy against him is annulled; or
- (b.) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold such certificate as it thinks fit, but any refusal of such certificate shall be subject to appeal.

(3.) The disqualifications imposed by this section shall extend to all parts of the United Kingdom.

33. *Vacating of seat in House of Commons.* (1.) If a member of the House of Commons is adjudged bankrupt, and the disqualifications arising therefrom under this Act are not removed within six months from the date of the order, the court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of the member shall be vacant.

(2.) Where the seat of a member so becomes vacant, the Speaker, during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving the certificate, cause notice thereof to be published in the London Gazette; and after the expiration of six days after the publication shall (unless the House has met before that day, or will meet on the day of the issue), issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

(3.) The powers of the Act of the twenty-fourth year of the reign of King George the Third, chapter twenty-six, "to repeal so much of two Acts made in the tenth and fifteenth years of the reign of his present Majesty as authorises the Speaker of the House of Commons to issue his warrant to the clerk of the Crown for making out writs for the election of members to serve in Parliament in the manner therein mentioned; and for substituting other provisions for the like purposes," so far as those powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants, under the like circumstances and conditions, for the election of a member in the room of any member whose seat becomes vacant under this Act.

34. *Vacating of municipal and other offices.* If a person is adjudged bankrupt whilst holding the office of mayor, alderman, councillor, guardian, overseer, or member of a sanitary authority, school board, highway board, burial board, or select vestry, his office shall thereupon become vacant.

35. *Power for court to annul adjudication in certain cases.* (1.) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt,

or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full, the Court may, on the application of any person interested, by order, annul the adjudication.

(2.) Where an adjudication is annulled under this section all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official receiver, trustee, or other person acting under their authority, or by the Court, shall be valid, but the property of the debtor who was adjudged bankrupt shall vest in such person as the court may appoint, or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions, if any, as the Court may declare by order.

(3.) Notice of the order annulling an adjudication shall be forthwith gazetted and published in a local paper.

36. *Meaning of payment of debts in full.* For the purposes of this Part of the Act, any debt disputed by a debtor shall be considered as paid in full, if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into court.

## PART III.

### ADMINISTRATION OF PROPERTY.

#### Proof of Debts.

37. *Description of debts provable in bankruptcy.* (1.) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, shall not be provable in bankruptcy.

(2.) A person having notice of any act of bankruptcy available against the debtor shall not prove under the order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(3.) Save as aforesaid all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order, or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order, shall be deemed to be debts provable in bankruptcy.

(4.) An estimate shall be made by the trustee of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(5.) Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court.

(6.) If, in the opinion of the court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy.

(7.) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed, before the court itself without the intervention of a jury, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(8.) "Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement, or undertaking to pay, or capable of resulting in the payment of money, or money's worth, whether the payment is, as respects amount fixed or unliquidated; as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation capable of being ascertained by fixed rules, or as matter of opinion.

38. *Mutual credit and set-off.* Where there have been mutual credits, mutual debts, or other mutual dealings between a debtor against whom a receiving order shall be made under this Act, and any other person proving or claiming to prove a debt under

such receiving order, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had at the time of giving credit to the debtor, notice of an act of bankruptcy committed by the debtor, and available against him.

39. *Rules as to proof of debts.* With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the Second Schedule, the rules in that schedule shall be observed.

40. *Priority of debts.* (1.) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts,—

- (a.) All parochial or other local rates due from the bankrupt at the date of the receiving order, and having become due and payable within twelve months next before such time, and all assessed taxes, land tax, property or income tax, assessed on him up to the fifth day of April next before the date of the receiving order, and not exceeding in the whole one year's assessment;

- (b.) All wages or salary of any clerk or servant in respect of services rendered to the bankrupt during four months before the date of the receiving order, not exceeding fifty pounds; and

- (c.) All wages of any labourer or workman, not exceeding fifty pounds, whether payable for time or piece-work, in respect of services rendered to the bankrupt during four months before the date of the receiving order.

(2.) The foregoing debts shall rank equally between themselves, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3.) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts, and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(4.) Subject to the provisions of this Act all debts proved in the bankruptcy shall be paid *pari passu*.

(5.) If there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date of the receiving order at the rate of four pounds per centum per annum on all debts proved in the bankruptcy.

(6.) Nothing in this section shall alter the effect of section five of the Act twenty-eight and twenty-nine Victoria, chapter eighty-six, "to amend the Law of Partnership," or shall prejudice the provisions of the Friendly Societies Act, 1875.

#### 41. *Preferential claim in case of apprenticeship.*

(1.) Where at the time of the presentation of the bankruptcy petition any person is apprenticed or is an articled clerk to the bankrupt, the adjudication of bankruptcy shall, if either the bankrupt or apprentice or clerk gives notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as the trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property, to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

(2.) Where it appears expedient to a trustee, he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer



the indenture of apprenticeship or articles of agreement to some other person.

42. *Power to landlord to distrain for rent.* (1.) The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(2.) For the purposes of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a debtor whose debts do not exceed fifty pounds, or of a deceased person who dies insolvent.

*Property available for Payment of Debts.*

43. *Relation back of trustee's title.* The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him, or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within three months next preceding the date of the presentation of the bankruptcy petition; but no bankruptcy petition, receiving order, or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

44. *Description of bankrupt's property divisible amongst creditors.* The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:

- (1.) Property held by the bankrupt on trust for any other person;
- (2.) The tools (if any) of his trade and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding twenty pounds in the whole; But it shall comprise the following particulars:
  - (i.) All such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him before his discharge; and,
  - (ii.) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge, except the right of nomination to a vacant ecclesiastical benefice; and,
  - (iii.) All goods being, at the commencement of the bankruptcy, in the possession, order or disposition of the bankrupt, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof; provided that things in action other than debts due or growing due to the bankrupt in the course of his trade or business, shall not be deemed goods within the meaning of this section.

*Effect of Bankruptcy on antecedent Transactions.*

45. *Restriction of rights of creditor under execution or attachment.* (1.) Where a creditor has issued execution against the goods or lands of a debtor, or has attached any debt due to him, he shall not be entitled to retain the benefit of the execution or attachment against the trustee in bankruptcy of the debtor, unless he has completed the execution or attachment before the date of the receiving order, and before notice of the presentation of any bankruptcy petition by or against the debtor, or of the commission of any available act of bankruptcy by the debtor.

(2.) For the purposes of this Act, an execution

against goods is completed by seizure and sale; an attachment of a debt is completed by receipt of the debt; and an execution against land is completed by seizure, or, in the case of an equitable interest, by the appointment of a receiver.

46. *Duties of sheriff as to goods taken in execution.* (1.) Where the goods of a debtor are taken in execution, and before the sale thereof notice is served on the sheriff that a receiving order has been made against the debtor, the sheriff shall, on request, deliver the goods to the official receiver or trustee under the order, but the costs of the execution shall be a charge on the goods so delivered, and the official receiver or trustee may sell the goods or an adequate part thereof for the purpose of satisfying the charge.

(2.) Where the goods of a debtor are sold under an execution in respect of a judgment for a sum exceeding twenty pounds, the sheriff shall deduct the costs of the execution from the proceeds of sale and retain the balance for fourteen days, and if, within that time notice is served on him of a bankruptcy petition having been presented against or by the debtor, and the debtor is adjudged bankrupt thereon or on any other petition of which the sheriff has notice, the sheriff shall pay the balance to the trustee in the bankruptcy, who shall be entitled to retain the same as against the execution creditor, but otherwise he shall deal with it as if no notice of the presentation of a bankruptcy petition had been served on him.

(3.) An execution levied by seizure and sale on the goods of a debtor is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the goods in good faith under a sale by the sheriff shall in all cases acquire a good title to them against the trustee in bankruptcy.

47. *Avoidance of voluntary settlements.* (1.) Any settlement of property not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of the settlement, be void against the trustee in the bankruptcy, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the trustee in the bankruptcy, unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement, and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(2.) Any covenant or contract made in consideration of marriage, for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the trustee in the bankruptcy.

(3.) "Settlement" shall for the purposes of this section include any conveyance or transfer of property.

48. *Avoidance of preferences in certain cases.* (1.) Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying, or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy.

(2.) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

49. *Protection of bona fide transactions without notice.* Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy on an execution or attachment, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate, in the case of a bankruptcy—

- (a.) Any payment by the bankrupt to any of his creditors,
- (b.) Any payment or delivery to the bankrupt,
- (c.) Any conveyance or assignment by the bankrupt for valuable consideration,
- (d.) Any contract, dealing, or transaction by or with the bankrupt for valuable consideration, Provided that both the following conditions are complied with, namely—
  - (1.) The payment, delivery, conveyance, assignment, contract, dealing, or transaction, as the case may be, takes place before the date of the receiving order; and
  - (2.) The person (other than the debtor) to, by, or with whom the payment, delivery, conveyance, assignment, contract, dealing, or transaction was made, executed, or entered into, has not at the time of the payment, delivery, conveyance, assignment, contract, dealing, or transaction, notice of any available act of bankruptcy committed by the bankrupt before that time.

*Realisation of Property.*

50. *Possession of property by trustee.* (1.) The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the bankrupt, and all other parts of his property capable of manual delivery.

(2.) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed by the High Court, and the Court may on his application enforce such acquisition or retention accordingly.

(3.) Where any part of the property of the bankrupt consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the trustee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(4.) Where any part of the property of the bankrupt is of copyhold or customary tenure, or is any like property passing by surrender and admittance or in any similar manner, the trustee shall not be compellable to be admitted to the property, but may deal with it in the same manner as if it had been capable of being and had been duly surrendered or otherwise conveyed to such uses as the trustee may appoint; and any appointee of the trustee shall be admitted to or otherwise invested with the property accordingly.

(5.) Where any part of the property of the bankrupt consists of things in action, such things shall be deemed to have been duly assigned to the trustee.

(6.) Any treasurer or other officer, or any banker, attorney, or agent of a bankrupt, shall pay and deliver to the trustee all money and securities in his possession or power, as such officer, banker, attorney, or agent, which he is not by law entitled to retain as against the bankrupt or the trustee. If he does not he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

51. *Seizure of property of bankrupt.* Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt, or of any other person, and with a view to such seizure may break open any house, building, or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or officer of the Court, who may execute it according to its tenor.

52. *Sequestration of ecclesiastical benefices.* (1.) Where a bankrupt is a beneficed clergyman, the trustee may apply for a sequestration of the profits of the benefice, and the certificate of the appointment of the trustee shall be sufficient authority for the granting of sequestration without any writ or other proceeding, and the same shall accordingly be issued

as on a writ of *levari facias* founded on a judgment against the bankrupt, and shall have priority over any other sequestration issued after the commencement of the bankruptcy in respect of a debt provable in the bankruptcy, except a sequestration issued before the date of the receiving order by or on behalf of a person who at the time of the issue thereof had not notice of an act of bankruptcy committed by the bankrupt, and available for grounding a receiving order against him.

(2.) The bishop of the diocese in which the benefice is situate may, if he thinks fit, appoint to the bankrupt such or the like stipend as he might by law have appointed to a curate duly licensed to serve the benefice in case the bankrupt had been non-resident, and the sequestrator shall pay the sum so appointed out of the profits of the benefice to the bankrupt, by quarterly instalments while he performs the duties of the benefice.

(3.) The sequestrator shall also pay out of the profits of the benefice the salary payable to any duly licensed curate of the church of the benefice in respect of duties performed by him as such during four months before the date of the receiving order not exceeding fifty pounds.

(4.) Nothing in this section shall prejudice the operation of the Ecclesiastical Dilapidations Act, 1871, or the Sequestration Act, 1871, or any mortgage or charge duly created under any Act of Parliament before the commencement of the bankruptcy on the profits of the benefice.

53. *Appropriation of portion of pay or salary to creditors.* (1.) Where a bankrupt is an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustees shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time, and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment.

(2.) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Treasury, the Court, on the application of the trustee, shall from time to time make such order as it thinks just for the payment of the salary, income, half-pay, pension, or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the court may direct.

(3.) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay, or compensation of any bankrupt to be forfeited.

54. *Vesting and transfer of property.* (1.) Until a trustee is appointed the official receiver shall be the trustee for the purposes of this Act, and immediately on a debtor being adjudged bankrupt, the property of the bankrupt shall vest in the trustee.

(2.) On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

(3.) The property of the bankrupt shall pass from trustee to trustee, including under that term the official receiver when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever.

(4.) The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of the British dominions requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly.

55. *Disclaimer of onerous property.* (1.) Where any part of the property of the bankrupt consists of land of any tenure burdened with onerous covenants, or shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any

sum of money, the trustee, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, but subject to the provisions of this section, may, by writing signed by him, at any time within three months after the first appointment of a trustee, disclaim the property.

Provided that where any such property shall not have come to the knowledge of the trustee within one month after such appointment, he may disclaim such property at any time within two months after he first became aware thereof.

(2.) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interests, and liabilities of the bankrupt and his property in or in respect of the property disclaimed, and shall also discharge the trustee from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the trustee from liability, affect the rights or liabilities of any other person.

(3.) A trustee shall not be entitled to disclaim a lease without the leave of the Court, except in any cases which may be prescribed by general rules, and the Court may, before or on granting such leave, require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such orders with respect to fixtures, tenant's improvements, and other matters arising out of the tenancy as the Court thinks just.

(4.) The trustee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the trustee by any person interested in the property requiring him to decide whether he will disclaim or not, and the trustee has for a period of twenty-eight days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and, in the case of a contract, if the trustee, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

(5.) The court may, on the application of any person who is, as against the trustee, entitled to the benefit or subject to the burden of a contract made with the bankrupt, make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the Court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(6.) The Court may, on application by any person either claiming any interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the court thinks just; and on any such vesting order being made, the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose.

Provided always, that where the property disclaimed is of a leasehold nature, the court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-lessee or as mortgagee by demise except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the lease in respect of the property at the date when the bankruptcy petition was filed, and any mortgagee or under-lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property, and if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the court shall have power to vest the bankrupt's estate and interest in the property in any person liable either personally or in a representative character, and either alone or jointly with the bankrupt to perform the lessee's covenants in such lease, freed and discharged from

all estates, incumbrances, and interests created therein by the bankrupt.

(7.) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury, and may accordingly prove the same as a debt under the bankruptcy.

56. *Powers of trustee to deal with property.* Subject to the provisions of this Act, the trustee may do all or any of the following things:

(1.) Sell all or any part of the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt), by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels:

(2.) Give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof:

(3.) Prove, rank, claim, and draw a dividend in respect of any debt due to the bankrupt:

(4.) Exercise any powers the capacity to exercise which is vested in the trustee under this Act, and execute any powers of attorney, deeds, and other instruments for the purpose of carrying into effect the provisions of this Act:

(5.) Deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the bankrupt might have dealt with it; and sections fifty-six to seventy-three (both inclusive) of the Act of the session of the third and fourth years of the reign of King William the Fourth (chapter seventy-four), "for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance," shall extend and apply to proceedings under this Act, as if those sections were here re-enacted and made applicable in terms to those proceedings.

57. *Powers exercisable by trustee with permission of committee of inspection.* The trustee may, with the permission of the committee of inspection, do all or any of the following things:

(1.) Carry on the business of the bankrupt, so far as may be necessary for the beneficial winding up of the same:

(2.) Bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt:

(3.) Employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the committee of inspection:

(4.) Accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as the committee think fit:

(5.) Mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts:

(6.) Refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums, payable at such times, and generally on such terms as may be agreed on:

(7.) Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable under the bankruptcy:

(8.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person:

(9.) Divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold.

The permission given for the purposes of this section shall not be a general permission to do all or any of the above-mentioned things, but shall



only be a permission to do the particular thing or things for which permission is sought in the specified case or cases.

*Distribution of Property.*

**58. Declaration and distribution of dividends.]**

(1.) Subject to the retention of such sums as may be necessary for the costs of administration, or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2.) The first dividend, if any, shall be declared and distributed within four months after the conclusion of the first meeting of creditors, unless the trustee satisfies the committee of inspection that there is sufficient reason for postponing the declaration to a later date.

(3.) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(4.) Before declaring a dividend the trustee shall cause notice of his intention to do so to be gazetted in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(5.) When the trustee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend and when and how it is payable, and a statement in the prescribed form as to the particulars of the estate.

**59. Joint and separate dividends.]** (1.) Where one partner of a firm is adjudged bankrupt, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(2.) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

**60. Provision for creditors residing at a distance, &c.]** In the calculation and distribution of a dividend the trustee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy, the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims, and for the expenses necessary for the administration of the estate or otherwise, and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

**61. Right of creditor who has not proved debt before declaration of a dividend.]** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**62. Final dividend.]** When the trustee has realised all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realised without needlessly protracting the trusteeship, he shall declare a final dividend, but before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited

by the notice, he will proceed to make a final dividend, without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grant him further time for establishing his claim, then, on the expiration of such further time, the property of the bankrupt shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

**63. No action for dividend.]** No action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

**64. Power to allow bankrupt to manage property.]** (1.) The trustee, with the permission of the committee of inspection, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof, or to carry on the trade (if any) of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

(2.) *Allowance to bankrupt for maintenance or service.]* The trustee may from time to time, with the permission of the committee of inspection, make such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate, but any such allowance may be reduced by the Court.

**65. Right of bankrupt to surplus.]** The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as by this Act provided, and of the costs, charges, and expenses of the proceedings under the bankruptcy petition.

PART IV.

OFFICIAL RECEIVERS AND STAFF OF BOARD OF TRADE.

**66. Appointment by Board of Trade of official receivers of debtors' estates.]** (1.) The Board of Trade may, at any time after the passing of this Act, and from time to time, appoint such persons as they think fit to be official receivers of debtors' estates, and may remove any person so appointed from such office. The official receivers of debtors' estates shall act under the general authority and directions of the Board of Trade, but shall also be officers of the courts to which they are respectively attached.

(2.) The number of official receivers so to be appointed, and the districts to be assigned to them, shall be fixed by the Board of Trade, with the concurrence of the Treasury. One person only shall be appointed for each district unless the Board of Trade, with the concurrence of the Treasury, shall otherwise direct; but the same person may, with the like concurrence, be appointed to act for more than one district.

(3.) Where more than one official receiver is attached to the Court, such one of them as is for the time being appointed by the Court for any particular estate shall be the official receiver for the purposes of that estate. The Court shall distribute the receiverships of the particular estates among the official receivers in the prescribed manner.

**67. Deputy for official receiver.]** (1.) The Board of Trade may from time to time, by order direct that any of its officers mentioned in the order shall be capable of discharging the duties of any official receiver during any temporary vacancy in the office, or during the temporary absence of any official receiver through illness or otherwise.

(2.) The Board of Trade may, on the application of an official receiver, at any time by order nominate some fit person to be his deputy, and to act for him for such time not exceeding two months as the order may fix, and under such conditions as to remuneration and otherwise as may be prescribed.

**68. Status of official receiver.]** (1.) The duties of the official receiver shall have relation both to the

conduct of the debtor and to the administration of his estate.

(2.) An official receiver may, for the purpose of affidavits verifying proofs, petitions, or other proceedings under this Act, administer oaths.

(3.) All expressions referring to the trustee under a bankruptcy shall, unless the context otherwise requires, or the Act otherwise provides, include the official receiver when acting as trustee.

(4.) The trustee shall supply the official receiver with such information, and give him such access to, and facilities for inspecting the bankrupt's books and documents and generally shall give him such aid, as may be requisite for enabling the official receiver to perform his duties under this Act.

**69. Duties of official receiver as regards the debtor's conduct.]** As regards the debtor, it shall be the duty of the official receiver—

(1.) To investigate the conduct of the debtor and to report to the Court, stating whether there is reason to believe that the debtor has committed any act which constitutes a misdemeanor under the Debtors Act, 1869, or any amendment thereof, or under this Act, or which would justify the Court in refusing, suspending, or qualifying an order for his discharge.

(2.) To make such other reports concerning the conduct of the debtor as the Board of Trade may direct.

(3.) To take such part as may be directed by the Board of Trade in the public examination of the debtor.

(4.) To take such part, and give such assistance, in relation to the prosecution of any fraudulent debtor as the Board of Trade may direct.

**70. Duties of official receiver as to debtor's estate.]** (1.) As regards the estate of a debtor it shall be the duty of the official receiver—

(a.) Pending the appointment of a trustee, to act as interim receiver of the debtor's estate, and, where a special manager is not appointed, as manager thereof;

(b.) To authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do;

(c.) To summon and preside at the first meeting of creditors;

(d.) To issue forms of proxy for use at the meetings of creditors;

(e.) To report to the creditors as to any proposal which the debtor may have made with respect to the mode of liquidating his affairs;

(f.) To advertise the receiving order, the date of the creditors' first meeting and of the debtor's public examination, and such other matters as it may be necessary to advertise;

(g.) To act as trustee during any vacancy in the office of trustee.

(2.) For the purpose of his duties as interim receiver or manager the official receiver shall have the same powers as if he were a receiver or manager appointed by the High Court, but shall, as far as practicable, consult the wishes of the creditors with respect to the management of the debtor's property, and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors, and shall not, unless the Board of Trade otherwise order, incur any expense beyond such as is requisite for the protection of the debtor's property or the disposing of perishable goods.

Provided that when the debtor cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some person or persons to assist in the preparation of the statement of affairs.

(3.) Every official receiver shall account to the Board of Trade and pay over all moneys and deal with all securities in such manner as the Board from time to time direct.

**71. Power for Board of Trade to appoint officers.]** The Board of Trade may, at any time after the passing of this Act, and from time to time, with the approval of the Treasury, appoint such additional officers, including official receivers, clerks, and servants (if any) as may be required by the Board for the execution of this Act, and may dismiss any person so appointed.

PART V.  
TRUSTEES IN BANKRUPTCY.  
*Remuneration of Trustee.*

72. *Remuneration of trustee.* (1.) Where the creditors appoint any person to be trustee of a debtor's estate, his remuneration (if any) shall be fixed by an ordinary resolution of the creditors or if the creditors so resolve by the Committee of Inspection, and shall be in the nature of a commission or percentage, of which one part shall be payable on the amount realised, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividend.

(2.) If one-fourth in number or value of the creditors dissent from the resolution, or the bankrupt satisfies the Board of Trade that the remuneration is unnecessarily large, the Board of Trade shall fix the amount of the remuneration.

(3.) The resolution shall express what expenses the remuneration is to cover, and no liability shall attach to the bankrupt's estate, or to the creditors, in respect of any expenses which the remuneration is expressed to cover.

(4.) Where no remuneration has been voted to a trustee he shall be allowed out of the bankrupt's estate such proper costs and expenses incurred by him in or about the proceedings of the bankruptcy as the taxing officer may allow.

(5.) A trustee shall not, under any circumstances whatever, make any arrangement for or accept from the bankrupt, or any solicitor, or auctioneer, or any other person that may be employed about a bankruptcy, any gift, remuneration, or pecuniary or other consideration or benefit whatever beyond the remuneration fixed by the creditors and payable out of the estate, nor shall he make any arrangement for giving up, or give up, any part of his remuneration, either as receiver, manager, or trustee to the bankrupt, or any solicitor or other person that may be employed about a bankruptcy.

*Costs.*

73. *Allowance and taxation of costs.* (1.) Where a trustee or manager receives remuneration for his services as such no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by statute or rules to be performed by himself.

(2.) Where the trustee is a solicitor he may contract that the remuneration for his services as trustee shall include all professional services.

(3.) All bills and charges of solicitors, managers, accountants, auctioneers, brokers, and other persons, not being trustees, shall be taxed by the prescribed officer, and no payments in respect thereof shall be allowed in the trustee's accounts without proof of such taxation having been made. The taxing master shall satisfy himself before passing such bills and charges that the employment of such solicitors and other persons, in respect of the particular matters out of which such charges arise, has been duly sanctioned.

(4.) Every such person shall, on request by the trustee (which request the trustee shall make a sufficient time before declaring a dividend), deliver his bill of costs or charges to the proper officer for taxation, and if he fails to do so within seven days after receipt of the request, or such further time as the Court, on application, may grant, the trustee shall declare and distribute the dividend without regard to any claim by him, and thereupon any such claim shall be forfeited as well against the trustee personally as against the estate.

*Receipts, Payments, Accounts, Audit.*

74. *Payment of money into Bank of England.* (1.) An account called the Bankruptcy Estates Account shall be kept by the Board of Trade with the Bank of England, and all moneys received by the Board of Trade in respect of proceedings under this Act shall be paid to that account.

(2.) The account of the Accountant in Bankruptcy at the Bank of England shall be transferred to the Bankruptcy Estates Account.

(3.) Every trustee in bankruptcy shall, in such manner and at such times as the Board of Trade with the concurrence of the Treasury direct, pay

the money received by him to the Bankruptcy Estates Account at the Bank of England, and the Board of Trade shall furnish him with a certificate of receipt of the money so paid.

(4.) Provided that if it appears to the committee of inspection that for the purpose of carrying on the debtor's business, or of obtaining advances, or because of the probable amount of the cash balance, or if the committee shall satisfy the Board of Trade that for any other reason it is for the advantage of the creditors that the trustee should have an account with a local bank, the Board of Trade shall, on the application of the committee of inspection, authorise the trustee to make his payments into and out of such local bank as the committee may select.

Such account shall be opened and kept by the trustee in the name of the debtor's estate; and any interest receivable in respect of the account shall be part of the assets of the estate.

The trustee shall make his payments into and out of such local bank in the prescribed manner.

(5.) Subject to any general rules relating to small bankruptcies under Part VII. of this Act, where the debtor, at the date of the receiving order has an account at a bank, such account shall not be withdrawn until the expiration of seven days from the day appointed for the first meeting of creditors, unless the Board of Trade, for the safety of the account, or other sufficient cause, order the withdrawal of the account.

(6.) If a trustee at any time retains for more than ten days a sum exceeding fifty pounds, or such other amount as the Board of Trade in any particular case authorise him to retain, then, unless he explains the retention to the satisfaction of the Board of Trade, he shall pay interest on the amount so retained in excess at the rate of twenty pounds per centum per annum, and shall have no claim for remuneration, and may be removed from his office by the Board of Trade, and shall be liable to pay any expenses occasioned by reason of his default.

(7.) All payments out of money standing to the credit of the Board of Trade in the Bankruptcy Estates Account shall be made by the Bank of England in the prescribed manner.

75. *Trustee not to pay into private account.* No trustee in a bankruptcy or under any composition or scheme of arrangement shall pay any sums received by him as trustee into his private banking account.

76. *Investment of surplus funds.* (1.) Whenever the cash balance standing to the credit of the Bankruptcy Estates Account is in excess of the amount which in the opinion of the Board of Trade is required for the time being to answer demands in respect of bankrupts' estates, the Board of Trade shall notify the same to the Treasury, and shall pay over the same or any part thereof as the Treasury may require to the Treasury, to such account as the Treasury may direct, and the Treasury may invest the said sums or any part thereof in Government securities to be placed to the credit of the said account.

(2.) Whenever any part of the money so invested is, in the opinion of the Board of Trade, required to answer any demands in respect of bankrupts' estates, the Board of Trade shall notify to the Treasury the amount so required, and the Treasury shall thereupon repay to the Board of Trade such sum as may be required to the credit of the Bankruptcy Estates Account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3.) The dividends on the investments under this section shall be paid to such account as the Treasury may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

77. *Certain receipts and fees to be applied in aid of expenditure.* The Treasury may from time to time issue to the Board of Trade in aid of the votes of Parliament, out of the receipts arising from fees, fee stamps, and dividends on investments under this Act, any sums which may be necessary to meet the charges estimated by the Board of Trade in respect of salaries and expenses under this Act.

78. *Audit of trustee's accounts.* (1.) Every trustee shall, at such times as may be prescribed, but not

less than twice in each year during his tenure of office, send to the Board of Trade, or as they direct, an account of his receipts and payments as such trustee.

(2.) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a statutory declaration in the prescribed form.

(3.) The Board of Trade shall cause the accounts so sent to be audited, and for the purposes of the audit the trustee shall furnish the Board with such vouchers and information as the Board may require, and the Board may at any time require the production of and inspect any books or accounts kept by the trustee.

(4.) When any such account has been audited one copy thereof shall be filed and kept by the Board, and the other copy shall be filed with the Court, and each copy shall be open to the inspection of any creditor, or of the bankrupt, or of any person interested.

79. *The trustee to furnish list of creditors.* The trustee shall, whenever required by any creditor so to do, and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor by post a list of the creditors, showing in such list the amount of the debt due to each of such creditors.

80. *Books to be kept by trustee.* The trustee shall keep, in manner prescribed, proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect any such books.

81. *Annual statement of proceedings.* (1.) Every trustee in a bankruptcy shall from time to time, as may be prescribed, and not less than once in every year during the continuance of the bankruptcy, transmit to the Board of Trade a statement showing the proceedings in the bankruptcy up to the date of the statement, containing the prescribed particulars, and made out in the prescribed form.

(2.) The Board of Trade shall cause the statements so transmitted to be examined, and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on the said statements or in his accounts or otherwise, and may require the trustee to make good any loss which the estate of the bankrupt may have sustained by the misfeasance, neglect, or omission.

*Release of Trustee.*

82. *Release of trustee.* (1.) When the trustee has realised all the property of the bankrupt, or so much thereof as can, in his opinion, be realised without needlessly protracting the trusteeship, and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved, or has resigned, or has been removed from his office, the Board of Trade shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Board, shall take into consideration the report, and any objection which may be urged by any creditor or person interested against the release of the trustee, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the High Court.

(2.) Where the release of a trustee is withheld the Court may, on the application of any creditor or person interested, make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty.

(3.) An order of the Board releasing the trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4.) Where the trustee has not previously resigned or been removed, his release shall operate as a removal of him from his office, and thereupon the official receiver shall be the trustee.

*Official Name.*

83. *Official name of trustee.* The trustee may sue and be sued by the official name of "the trustee of the property of a bankrupt," inserting the



name of the bankrupt, and by that name may in any part of the British dominions or elsewhere hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors in office, and do all other Acts necessary or expedient to be done in the execution of his office.

*Appointment and Removal.*

84. *Power to appoint joint or successive trustees.* (1.) The creditors may, if they think fit, appoint more persons than one to the office of trustee, and when more persons than one are appointed they shall declare whether any act required or authorised to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint-tenants of the property of the bankrupt.

(2.) The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee, or failing to give security, or not being approved of by the Board of Trade.

85. *Office of trustee vacated by insolvency.* If a receiving order is made against a trustee he shall thereby vacate his office of trustee.

86. *Removal of trustee.* (1.) The creditors may, by ordinary resolution, at a meeting specially called for that purpose, of which seven days' notice has been given, remove a trustee appointed by them, and may at the same or any subsequent meeting appoint another person to fill the vacancy as herein-after provided in case of a vacancy in the office of trustee.

(2.) If the Board of Trade are of opinion that a trustee appointed by the creditors is guilty of misconduct, or fails to perform his duties under this Act, the Board may remove him from his office, but if the creditors, by ordinary resolution, disapprove of his removal, he or they may appeal against it to the High Court.

87. *Proceedings in case of vacancy in office of trustee.* (1.) If a vacancy occurs in the office of a trustee the creditors in general meeting may appoint a person to fill the vacancy, and thereupon the same proceedings shall be taken as in the case of a first appointment.

(2.) The official receiver shall, on the requisition of any creditor, summon a meeting for the purpose of filling any such vacancy.

(3.) If the creditors do not within three weeks after the occurrence of a vacancy appoint a person to fill the vacancy, the official receiver shall report the matter to the Board of Trade, and the Board may appoint a trustee; but in such case the creditors or committee of inspection shall have the same power of appointing a trustee as in the case of a first appointment.

(4.) During any vacancy in the office of trustee the official receiver shall act as trustee.

*Voting powers of trustees.*

88. *Limitation of voting powers of trustee.* The vote of the trustee, or of his partner, clerk, solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

*Control over Trustee.*

87. *Discretionary powers of trustee and control thereof.* (1.) Subject to the provisions of this Act the trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection, and any direction so given by the creditors at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2.) The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution, either at the meeting appointing the trustee or otherwise may direct, or whenever requested in writing to do so by one fourth in value of the creditors.

(3.) The trustee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(4.) Subject to the provisions of this Act the trustee shall use his own discretion in the management of the estate and its distribution among the creditors.

90. *Appeal to Court against trustee.* If the bankrupt or any of the creditors, or any other person, is aggrieved by any act or decision of the trustee, he may apply to the Court, and the Court may confirm, reverse, or modify the act or decision complained of, and make such order in the premises as it thinks just.

91. *Control of Board of Trade over trustees.* (1.) The Board of Trade shall take cognizance of the conduct of trustees, and in the event of any trustee not faithfully performing his duties, and duly observing all the requirements imposed on him by statute, rules or otherwise, with respect to the performance of his duties, or the event of any complaint being made to the Board by any creditor in regard thereto, the Board shall inquire into the matter and take such action thereon as may be deemed expedient.

(2.) The Board may at any time require any trustee to answer any inquiry made by them in relation to any bankruptcy in which the trustee is engaged, and may, if the Board think fit, apply to the Court to examine on oath the trustee or any other person concerning the bankruptcy.

(3.) The Board may also direct a local investigation to be made of the books and vouchers of the trustee.

PART VI.

CONSTITUTION, PROCEDURE, AND POWERS OF COURT.

*Jurisdiction.*

92. *Jurisdiction to be exercised by High Court and county courts.* (1.) The Courts having jurisdiction in bankruptcy shall be the High Court and the county courts.

(2.) But the Lord Chancellor may from time to time, by order under his hand, exclude any county court from having jurisdiction in bankruptcy, and for the purposes of bankruptcy jurisdiction may attach its district or any part thereof to the High Court, or to any other county court or courts, and may from time to time revoke or vary any order so made. The Lord Chancellor may, in like manner and subject to the like conditions, detach the district of any county court or any part thereof from the district and jurisdiction of the High Court.

(3.) The term "district," when used in this Act with reference to a county court, means the district of the court for the purposes of bankruptcy jurisdiction.

(4.) A county court which, at the commencement of this Act, is excluded from having bankruptcy jurisdiction, shall continue to be so excluded until the Lord Chancellor otherwise orders.

(5.) Periodical sittings for the transaction of bankruptcy business by county courts having jurisdiction in bankruptcy shall be held at such times and at such intervals as the Lord Chancellor shall prescribe for each such court.

93. *Consolidation of London Bankruptcy Court with Supreme Court of Judicature.* (1.) From and after the commencement of this Act the London Bankruptcy Court shall be united and consolidated with and form part of the Supreme Court of Judicature, and the jurisdiction of the London Bankruptcy Court shall be transferred to the High Court.

(2.) For the purposes of this union, consolidation, and transfer, and of all matters incidental thereto and consequential thereon, the Supreme Court of Judicature Act, 1873, as amended by subsequent Acts, shall, subject to the provisions of this Act, have effect as if the union, consolidation, and transfer had been effected by that Act, except that all expressions referring to the time appointed for the commencement of that Act shall be construed as referring to the commencement of this Act, and, subject as aforesaid, this Act and the said above-mentioned Acts shall be read and construed together.

94. *Transaction of bankruptcy business by special judge of High Court.* (1.) Subject to general rules, and to orders of transfer made under the authority

of the Supreme Court of Judicature Act, 1873, and Acts amending it,—

(a.) All matters pending in the London Bankruptcy Court at the commencement of this Act; and

(b.) All matters which would have been within the exclusive jurisdiction of the London Bankruptcy Court, if this Act had not passed; and

(c.) All matters in respect of which jurisdiction is given to the High Court by this Act,

shall be assigned to such Division of the High Court as the Lord Chancellor may from time to time direct.

(2.) All such matters shall, subject as aforesaid, be ordinarily transacted and disposed of by or under the direction of one of the judges of the High Court, and the Lord Chancellor shall from time to time assign a judge for that purpose.

(3.) Provided that during vacation, or during the illness of the judge so assigned, or during his absence or for any other reasonable cause such matters, or any part thereof, may be transacted and disposed of by or under the directions of any judge of the High Court named for that purpose by the Lord Chancellor.

(4.) Subject to the provisions of this Act, the officers, clerks, and subordinate persons who are, at the commencement of this Act, attached to the London Bankruptcy Court, and their successors, shall be officers of the Supreme Court of Judicature, and shall be attached to the High Court.

(5.) Subject to general rules, all bankruptcy matters shall be entitled, "In bankruptcy."

95. *Petition, where to be presented.* (1.) If the debtor against or by whom a bankruptcy petition is presented has resided or carried on business within the London bankruptcy district as defined by this Act for the greater part of the six months immediately preceding the presentation of the petition, or for a longer period during those six months than in the district of an / county court, or is not resident in England, or if the petitioning creditor is unable to ascertain the residence of the debtor, the petition shall be presented to the High Court.

(2.) In any other case the petition shall be presented to the county court for the district in which the debtor has resided or carried on business for the longest period during the six months immediately preceding the presentation of the petition.

(3.) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong court.

96. *Definition of the London Bankruptcy District.* The London Bankruptcy District shall, for the purposes of this Act, comprise the city of London and the liberties thereof, and all such parts of the metropolis and other places as are situated within the district of any county court described as a metropolitan county court in the list contained in the Third Schedule.

97. *Transfer of proceedings from court to court.* (1.) Subject to the provisions of this Act, every court having original jurisdiction in bankruptcy shall have jurisdiction throughout England.

(2.) Any proceedings in bankruptcy may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by any prescribed authority and in the prescribed manner from one court to another court, or may by the like authority be retained in the court in which the proceedings were commenced, although it may not be the court in which the proceedings ought to have been commenced.

(3.) If any question of law arises in any bankruptcy proceeding in a county court which all parties to the proceeding desire, or which one of them and the judge of the county court may desire, to have determined in the first instance in the High Court, the judge shall state the facts, in the form of a special case, for the opinion of the High Court. The special case and the proceedings, or such of them as may be required, shall be transmitted to the High Court for the purposes of the determination.

98. *Exercise in chambers of High Court jurisdiction.* Subject to the provisions of this Act and to general rules the judge of the High Court exercising jurisdiction in bankruptcy may exercise in chambers the whole or any part of his jurisdiction.

99. *Jurisdiction in bankruptcy of registrar.* (1.) The registrars in bankruptcy of the High Court, and the registrars of a county court having jurisdic-

tion in bankruptcy, shall have the powers and jurisdiction in this section mentioned, and any order made or act done by such registrars in the exercise of the said powers and jurisdiction shall be deemed the order or act of the Court.

(2.) Subject to general rules limiting the powers conferred by this section, a registrar shall have power—

- (a.) To hear bankruptcy petitions, and to make receiving orders and adjudications thereon;
- (b.) To hold the public examination of debtors;
- (c.) To grant orders of discharge where the application is not opposed;
- (d.) To approve compositions or schemes of arrangement when they are not opposed;
- (e.) To make interim orders in any case of urgency;
- (f.) To make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;
- (g.) To hear and determine any opposed or ex parte application;

(h.) To summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him, or capable of giving information respecting the debtor, his dealings or property.

(3.) The Registrars in bankruptcy of the High Court shall also have power to grant orders of discharge and certificates of removal of disqualifications, and to approve compositions and schemes of arrangement.

(4.) A registrar shall not have power to commit for contempt of court.

(5.) The Lord Chancellor may from time to time by order direct that any specified registrar of a county court shall have and exercise all the powers of a bankruptcy registrar of the High Court.

100. *Powers of county court.*] A county court shall, for the purposes of its bankruptcy jurisdiction, in addition to the ordinary powers of the Court, have all the powers and jurisdiction of the High Court, and the orders of the Court may be enforced accordingly in manner prescribed.

101. *Board of Trade to make payments in accordance with directions of Court.*] Where any moneys or funds have been received by an official receiver or by the Board of Trade, and the Court makes an order declaring that any person is entitled to such moneys or funds, the Board of Trade shall make an order for the payment thereof to the person so entitled as aforesaid.

102. *General power of bankruptcy courts.*] (1.) Subject to the provisions of this Act, every court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever whether of law or fact, which may arise in any case of bankruptcy coming within the cognizance of the Court, or which the court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

Provided that the jurisdiction hereby given shall not be exercised by the county court for the purpose of adjudicating upon any claim, not arising out of the bankruptcy, which might heretofore have been enforced by action in the High Court, unless all parties to the proceeding consent thereto, or the money, money's worth, or right in dispute does not in the opinion of the judge exceed in value two hundred pounds.

(2.) A court having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of its powers under this Act by the order of any other court, nor shall any appeal lie from its decisions, except in manner directed by this Act.

(3.) If in any proceeding in bankruptcy there arises any question of fact which either of the parties desire to be tried before a jury instead of by the Court itself, or which the Court thinks ought to be tried by a jury, the Court may if it thinks fit direct the trial to be had, with a jury and the trial may be had accordingly, in the High Court in the same manner as if it were the trial of an issue of fact in an action, and in the county court in the manner in which jury trials in ordinary cases are by law held in that court.

(4.) Where a receiving order has been made in the

High Court under this Act, the judge by whom such order was made shall have power if he sees fit, without any further consent, to order the transfer to such judge of any action pending in any other division, brought or continued by or against the bankrupt.

(5.) Where default is made by a trustee, debtor, or other person in obeying any order or direction given by the Board of Trade or by an official receiver or any other officer of the Board of Trade under any power conferred by this Act, the court may, on the application of the Board of Trade or an official receiver or other duly authorised person order such defaulting trustee, debtor, or person to comply with the order or direction so given; and the court may also, if it shall think fit, upon any such application make an immediate order for the committal of such defaulting trustee, debtor, or other person; provided that the power given by this subsection shall be deemed to be in addition to and not in substitution for any other right or remedy in respect of such default.

#### Judgment Debtors.

103. *Judgment debtor's summons to be bankruptcy business.*] (1.) It shall be lawful for the Lord Chancellor by order to direct that the jurisdiction and powers under section five of the Debtors Act, 1869, now vested in the High Court, shall be assigned to and exercised by the judge to whom bankruptcy business is assigned.

(2.) It shall be lawful also for the Lord Chancellor in like manner to direct that the whole or any part of the said jurisdiction and powers shall be delegated to and exercised by the bankruptcy registrars of the High Court.

(3.) Any order made under this section may, at any time, in like manner, be rescinded or varied.

(4.) Every county court within the jurisdiction of which a judgment debtor is or resides shall have jurisdiction under section five of the Debtors Act, 1869, although the amount of the judgment debt may exceed fifty pounds.

(5.) Where, under section five of the Debtors Act, 1869, application is made by a judgment creditor to a court, having bankruptcy jurisdiction, for the committal of a judgment debtor, the court may, if it thinks fit, decline to commit, and in lieu thereof, with the consent of the judgment creditor, and on payment by him of the prescribed fee, make a receiving order against the debtor. In such case the judgment debtor shall be deemed to have committed an act of bankruptcy at the time the order is made.

(6.) General rules under this Act may be made for the purpose of carrying into effect the provisions of the Debtors Act, 1869.

#### Appeals.

104. *Appeals in bankruptcy.*] (1.) Every court having jurisdiction in bankruptcy under this Act may review, rescind, or vary any order made by it under its bankruptcy jurisdiction.

(2.) Orders in bankruptcy matters shall, at the instance of any person aggrieved, be subject to appeal as follows:

- (a.) An appeal shall lie from the order of a county court to Her Majesty's Court of Appeal;
- (b.) An appeal shall lie from an order of the High Court to Her Majesty's Court of Appeal;
- (c.) An appeal shall, with the leave of Her Majesty's Court of Appeal, but not otherwise, lie from the order of that Court to the House of Lords;
- (d.) No appeal shall be entertained except in conformity with such general rules as may for the time being be in force in relation to the appeal.

#### Procedure.

105. *Discretionary powers of the Court.*] (1.) Subject to the provisions of this Act and to general rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court: Provided that where any issue is tried by a jury the costs shall follow the event, unless, upon application made at the trial, for good cause shown, the judge before whom such issue is tried shall otherwise order.

(2.) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(3.) The Court may at any time amend any

written process or proceeding under this Act upon such terms, if any, as it may think fit to impose.

(4.) Where by this Act or by general rules, the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court may think fit to impose.

(5.) Subject to general rules, the Court may in any matter take the whole or any part of the evidence either *viva voce*, or by interrogatories, or upon affidavit, or by commission abroad.

(6.) For the purpose of approving a composition or scheme by joint debtors, the Court may, if it thinks fit, and on the report of the official receiver that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

106. *Consolidation of petitions.*] Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings, or any of them, on such terms as the Court thinks fit.

107. *Power to change carriage of proceedings.*] Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor.

108. *Continuance of proceedings on death of debtor.*] If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

109. *Power to stay proceedings.*] The Court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

110. *Power to present petition against one partner.*] Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

111. *Power to dismiss petition against some respondents only.*] Where there are more respondents than one to a petition the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

112. *Property of partners to be vested in same trustee.*] Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership, any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution, and, unless the Court otherwise directs, the same trustee or receiver shall be appointed as may have been appointed in respect of the property of the first-mentioned member of the partnership, and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

113. *Actions by trustee and bankrupt's partners.*] Where a member of a partnership is adjudged bankrupt, the Court may authorise the trustee to commence and prosecute any action in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action relates shall be void; but notice of the application for authority to commence the action shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

114. *Actions on joint contracts.*] Where a bankrupt is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt.

115. *Proceedings in partnership name.*] Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this



Act in the name of the firm, but in such case the Court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner, and verified on oath, or otherwise as the Court may direct.

*Officers.*

116. *Disabilities of officers.*] No registrar or other officer attached to any court having jurisdiction in bankruptcy shall, during his continuance in office, be capable of being elected or sitting as a member of the House of Commons.

(2.) No registrar or official receiver or other officer attached to any such court shall, during his continuance in office, either directly or indirectly, by himself, his clerk, or partner, act as solicitor in any proceeding in bankruptcy or in any prosecution of a debtor by order of the Court, and if he does so act he shall be liable to be dismissed from office.

Provided that nothing in this section shall affect the right of any registrar or officer appointed before the passing of this Act to act as solicitor by himself, his clerk, or partner to the extent permitted by section sixty-nine of the Bankruptcy Act, 1869.

*Orders and Warrants of Court.*

117. *Enforcement of orders of courts throughout the United Kingdom.*] Any order made by a court having jurisdiction in bankruptcy in England under this Act shall be enforced in Scotland and Ireland in the courts having jurisdiction in bankruptcy in those parts of the United Kingdom respectively, in the same manner in all respects as if the order had been made by the Court hereby required to enforce it; and in like manner any order made by a court having jurisdiction in bankruptcy in Scotland shall be enforced in England and Ireland, and any order made by a court having jurisdiction in bankruptcy in Ireland shall be enforced in England and Scotland by the courts respectively having jurisdiction in bankruptcy in the part of the United Kingdom where the orders may require to be enforced, and in the same manner in all respects as if the order had been made by the Court required to enforce it in a case of bankruptcy within its own jurisdiction.

118. *Courts to be auxiliary to each other.*] The High Court, the county courts, the courts having jurisdiction in bankruptcy in Scotland and Ireland, and every British court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of those courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of the court seeking aid, with a request to another of the said courts, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by the order, such jurisdiction as either the court which made the request, or the court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

119. *Warrants of Bankruptcy Courts.*] (1.) Any warrant of a court having jurisdiction in bankruptcy in England may be enforced in Scotland, Ireland, the Isle of Man, the Channel Islands, and elsewhere in Her Majesty's dominions, in the same manner and subject to the same privileges in and subject to which a warrant issued by any justice of the peace against a person for an indictable offence against the laws of England may be executed in those parts of Her Majesty's dominions respectively in pursuance of the Acts of Parliament in that behalf.

(2.) A search warrant issued by a court having jurisdiction in bankruptcy for the discovery of any property of a debtor may be executed in manner prescribed or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

120. *Commitment to prison.*] Where the Court commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a fine not exceeding one hundred pounds.

PART VII.

SMALL BANKRUPTCIES.

121. *Summary administration in small cases.*] When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official receiver reports to the Court that the property of the debtor is not likely to exceed in value three hundred pounds, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:

- (1.) If the debtor is adjudged a bankrupt the official receiver shall be the trustee in the bankruptcy;
- (2.) There shall be no committee of inspection, but the official receiver may do with the permission of the Board of Trade all things which may be done by the trustee with the permission of the committee of inspection;
- (3.) Such other modifications may be made in the provisions of this Act as may be prescribed by general rules with the view of saving expense and simplifying procedure; but nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

Provided that the creditors may at any time, by special resolution, resolve that some person other than the official receiver be appointed trustee in the bankruptcy, and thereupon the bankruptcy shall proceed as if an order for summary administration had not been made.

122. *Power for county court to make administration order instead of order for payment by instalments.*] (1.) Where a judgment has been obtained in a county court and the debtor is unable to pay the amount forthwith, and alleges that his whole indebtedness amounts to a sum not exceeding fifty pounds, inclusive of the debt for which the judgment is obtained, the county court may make an order providing for the administration of his estate, and for the payment of his debts by instalments or otherwise, and either in full or to such extent as to the county court under the circumstances of the case appears practicable, and subject to any conditions as to his future earnings or income which the court may think just.

(2.) The order shall not be invalid by reason only that the total amount of the debt is found at any time to exceed fifty pounds, but in such case the county court may, if it thinks fit, set aside the order.

(3.) Where, in the opinion of the county court in which the judgment is obtained, it would be inconvenient that that court should administer the estate, it shall cause a certificate of the judgment to be forwarded to the county court in the district of which the debtor or the majority of the creditors resides or reside, and thereupon the latter county court shall have all the powers which it would have under this section, had the judgment been obtained in it.

(4.) Where it appears to the registrar of the county court that property of the debtor exceeds in value ten pounds, he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods, but the household goods, wearing apparel, and bedding of the debtor or his family, and the tools and implements of his trade to the value in the aggregate of twenty pounds, shall to that extent be protected from seizure.

(5.) When the order is made no creditor shall have any remedy against the person or property of the debtor in respect of any debt which the debtor has notified to a county court, except with the leave of that county court, and on such terms as that court may impose; and any county court or inferior court in which proceedings are pending against the debtor in respect of any such debt shall, on receiving notice of the order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt notified.

(6.) If the debtor makes default in payment of any instalment payable in pursuance of any order under this section, he shall, unless the contrary is proved, be deemed to have had since the date of the order the means to pay the sum in respect of which he has made default and to have refused or neglected to pay the same.

(7.) The order shall be carried into effect in such manner as may be prescribed by general rules.

(8.) Money paid into court under the order shall be appropriated first in satisfaction of the costs of the plaintiff in the action, next in satisfaction of the costs of administration (which shall not exceed two shillings in the pound on the total amount of the debts) and then in liquidation of debts in accordance with the order.

(9.) Notice of the order shall be sent to the registrar of county court judgments, and be posted in the office of the county court of the district in which the debtor resides, and sent to every creditor notified by the debtor, or who has proved.

(10.) Any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof.

(11.) Any creditor may in the prescribed manner object to any debt scheduled, or to the manner in which payment is directed to be made by instalments.

(12.) Any person who after the date of the order becomes a creditor of the debtor, shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until those creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

(13.) When the amount received under the order is sufficient to pay each creditor scheduled to the extent thereby provided, and the costs of the plaintiff and of the administration, the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors.

(14.) In computing the salary of a registrar under the County Courts Acts every creditor scheduled, not being a judgment creditor, shall count as a plaintiff.

PART VIII.

SUPPLEMENTAL PROVISIONS.

*Application of Act.*

123. *Exclusion of partnerships and companies.*] A receiving order shall not be made against any corporation, or against any partnership or association, or company registered under the Companies Act, 1862.

124. *Privilege of Parliament.*] If a person having privilege of Parliament commits an act of bankruptcy, he may be dealt with under this Act in like manner as if he had not such privilege.

125. *Administration in bankruptcy of estate of person dying insolvent.*] (1.) Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against such debtor, had he been alive, may present to the court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor, according to the Law of Bankruptcy.

(2.) Upon the prescribed notice being given to the legal personal representative of the deceased debtor, the court may, in the prescribed manner, upon proof of the petitioner's debt, unless the court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate, or may upon cause shown dismiss such petition with or without costs.

(3.) An order of administration under this section shall not be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal personal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the court that the debtor committed an act of bankruptcy within three months prior to his decease.

(4.) A petition for administration under this section shall not be presented to the court after proceedings have been commenced in any court of justice for the administration of the deceased debtor's estate, but that court may in such case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the court exercising jurisdiction in bankruptcy, and thereupon such last-mentioned court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(5.) Upon an order being made for the administration of a deceased debtor's estate, the property of the

debtor shall vest in the official receiver of the court, as trustee thereof, and he shall forthwith proceed to realise and distribute the same in accordance with the provisions of this Act.

(6.) With the modifications herein-after mentioned, all the provisions of Part III. of this Act, relating to the administration of the property of a bankrupt, shall, so far as the same are applicable, apply to the case of an administration order under this section in like manner as to an order of adjudication under this Act.

(7.) In the administration of the property of the deceased debtor under an order of administration, the official receiver shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate, and such claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(8.) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official receiver, after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of bankruptcy, such surplus shall be paid over to the legal personal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(9.) Notice to the legal personal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after such notice no payment or transfer of property made by the legal personal representative shall operate as a discharge to him as between himself and the official receiver; save as aforesaid nothing in this section shall invalidate any payment made or any act or thing done in good faith by the legal personal representative before the date of the order for administration.

(10.) Unless the context otherwise requires, "court," in this section, means the court within the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; "creditor" means one or more creditors qualified to present a bankruptcy petition, as in this Act provided.

(11.) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in bankruptcy.

126. *Saving as to debts contracted before Act of 1861.* No person, not being a trader within the meaning of the Bankruptcy Act, 1861, shall be adjudged bankrupt in respect of a debt contracted before the passing of that Act.

#### General Rules.

127. *Power to make general rules.* (1.) The Lord Chancellor may from time to time, with the concurrence of the President of the Board of Trade, make, revoke, and alter general rules for carrying into effect the objects of this Act.

(2.) All general rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(3.) Such general rules as may be required for purposes of this Act may be made at any time after the passing of this Act.

(4.) Provided always, that the said general rules, so made, revoked, or altered, shall not extend the jurisdiction of the court.

(5.) After the commencement of this Act no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

#### Fees, Salaries, Expenditure, and Returns.

128. *Fees and remuneration.* (1.) The Lord Chancellor may, with the sanction of the Treasury, from time to time prescribe a scale of fees and percentages to be charged for or in respect of proceedings under this Act; and the Treasury shall direct by

whom and in what manner the same are to be collected, accounted for, and to what account they shall be paid. The Board of Trade, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any officer of, or person attached to, the Board of Trade, performing any duties under this Act, and may from time to time, vary, increase, or diminish such remuneration as they may see fit.

(2.) This section shall come into operation on the passing of this Act.

129. *Judicial salaries, &c.* (1.) The Lord Chancellor, with the concurrence of the Treasury, shall direct whether any and what remuneration is to be allowed to any person (other than an officer of the Board of Trade) performing any duties under this Act, and may from time to time vary, increase, or diminish such remuneration as he may think fit.

(2.) This section shall come into operation on the passing of this Act.

130. *Annual accounts of receipts and expenditure in respect of bankruptcy proceedings.* (1.) The Treasury shall annually cause to be prepared and laid before both Houses of Parliament an account for the year ending with the thirty-first day of March, showing the receipts and expenditure during that year in respect of bankruptcy proceedings, whether commenced under this or any previous Act, and the provisions of section twenty-eight of the Supreme Court of Judicature Act, 1875, shall apply to the account as if the account had been required by that section.

(2.) The accounts of the Board of Trade, under this Act, shall be audited in such manner as the Treasury from time to time direct, and, for the purpose of the account to be laid before Parliament, the Board of Trade shall make such returns, and give such information as the Treasury may from time to time direct.

131. *Returns by bankruptcy officers.* The registrars and other officers of the courts acting in bankruptcy shall make to the Board of Trade such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed, and from such returns the Board of Trade shall cause books to be prepared which shall, under the regulations of the Board, be open for public information and searches.

The Board of Trade shall also cause a general annual report of all matters, judicial and financial, within this Act, to be prepared and laid before both Houses of Parliament.

#### Evidence.

132. *Gazette to be evidence.* (1.) A copy of the London Gazette containing any notice inserted therein in pursuance of this Act shall be evidence of the facts stated in the notice.

(2.) The production of a copy of the London Gazette containing any notice of a receiving order, or of an order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date.

133. *Evidence of proceedings at meetings of creditors.* (1.) A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting, by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(2.) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

134. *Evidence of proceedings in bankruptcy.* Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by any Court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit, or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, shall, if it appears to be sealed with the seal of any Court having jurisdiction in bankruptcy, or purports to be signed by any judge thereof, or is certified as a true copy by any registrar thereof, be receivable in evidence in all legal proceedings whatsoever.

135. *Swearing of affidavits.* Subject to general rules, any affidavit to be used in a bankruptcy court

may be sworn before any person authorised to administer oaths in the High Court, or in the Court of Chancery of the county palatine of Lancaster, or before any registrar of a bankruptcy court, or before any officer of a bankruptcy court authorised in writing on that behalf by the judge of the Court, or, in the case of a person residing in Scotland or in Ireland, before a judge ordinary, magistrate, or justice of the peace, or, in the case of a person who is out of the Kingdom of Great Britain and Ireland, before a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides (he being certified to be a magistrate or justice of the peace, or qualified as aforesaid by a British minister or British consul, or by a notary public).

136. *Death of witness.* In case of the death of a debtor or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposited to.

137. *Bankruptcy Courts to have seals.* Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing the Court in such manner as may be directed by order of the Lord Chancellor, and judicial notice shall be taken of the seal, and of the signature of the judge or registrar of any such Court, in all legal proceedings.

138. *Certificate of appointment of trustee.* A certificate of the Board of Trade that a person has been appointed trustee under this Act, shall be conclusive evidence of his appointment.

139. *Appeal from Board of Trade to High Court.* Where by this Act an appeal to the High Court is given against any decision of the Board of Trade, or of the official receiver, the appeal shall be brought within twenty-one days from the time when the decision appealed against is pronounced or made.

140. *Proceedings of Board of Trade.* (1.) All documents purporting to be orders or certificates made or issued by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board, shall be received in evidence, and deemed to be such orders or certificates without further proof unless the contrary is shown.

(2.) A certificate signed by the President of the Board of Trade that any order made, certificate issued, or act done, is the order, certificate, or act of the Board of Trade shall be conclusive evidence of the fact so certified.

#### Time.

141. *Computation of time.* (1.) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter Week, or a day appointed for public fast, humiliation, or thanksgiving, or a day on which the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, which shall not be one of the days in this section specified.

(2.) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, which shall not be one of the days in this section specified.

#### Notices.

142. *Service of notices.* All notices and other documents for the service of which no special mode is directed may be sent by prepaid post letter to the last known address of the person to be served therewith.



*Formal Defects.*

143. *Formal defect not to invalidate proceedings.* (1.) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that court.

(2.) No defect or irregularity in the appointment or election of a receiver, trustee, or member of a committee of inspection shall vitiate any act done by him in good faith.

*Stamp Duty.*

144. *Exemption of deeds, &c., from stamp duty.* Every deed, conveyance, assignment, surrender, admission, or other assurance relating solely to freehold, leasehold, copyhold, or customary property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in any real or personal property which is part of the estate of any bankrupt, and which, after the execution of the deed, conveyance, assignment, surrender, admission, or other assurance, either at law or in equity, is or remains the estate of the bankrupt or of the trustee under the bankruptcy, and every power of attorney, proxy, paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any bankrupt, or to any proceeding under any bankruptcy, shall be exempt from stamp duty, except in respect of fees under this Act.

*Executions.*

145. *Sales under executions to be public.* Where the sheriff sells the goods of a debtor under an execution for a sum exceeding twenty pounds (including legal incidental expenses), the sale shall, unless the court from which the process issued otherwise orders, be made by public auction, and not by bill of sale or private contract, and shall be publicly advertised by the sheriff on and during three days next preceding the day of sale.

146. *Writ of elegit not to extend to goods.* (1.) The sheriff shall not under a writ of elegit deliver the goods of a debtor nor shall a writ of elegit extend to goods.

(2.) No writ of *levari facias* shall hereafter be issued in any civil proceeding.

*Bankrupt Trustee.*

147. *Application of Trustee Act to bankruptcy of trustee.* Where a bankrupt is a trustee within the Trustee Act, 1850, section thirty-two of that Act shall have effect so as to authorise the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

*Corporations, &c.*

148. *Acting of corporations, partners, &c.* For all or any of the purposes of this Act a corporation may act by any of its officers authorised in that behalf under the seal of the corporation, a firm may act by any of its members, and a lunatic may act by his committee or curator bonis.

*Construction of former Acts, &c.*

149. *Construction of Acts mentioning commission of bankruptcy, &c.* (1.) Where in any Act of Parliament, instrument, or proceeding passed, executed, or taken before the commencement of this Act mention is made of a commission of bankruptcy or fiat in bankruptcy, the same shall be construed, with reference to the proceedings under a bankruptcy petition, as if a commission of or a fiat in bankruptcy had been actually issued at the time of the presentation of such petition.

(2.) Where by any Act or instrument reference is made to the Bankruptcy Act, 1869, the Act or instrument shall be construed and have effect as if reference were made therein to the corresponding provisions of this Act.

150. *Certain provisions to bind the Crown.* Save as herein provided the provisions of this Act relating to the remedies available for the property of a debtor, the priorities of debts, the effect of a composition or

scheme of arrangement, and the effect of a discharge shall bind the Crown.

151. *Saving for existing rights of audience.* Nothing in this Act, or in any transfer of jurisdiction effected thereby shall take away or affect any right of audience that any person may have had at the commencement of this Act, and all solicitors or other persons who had the right of audience before the Chief Judge in Bankruptcy shall have the like right of audience in bankruptcy matters in the High Court.

152. *Married women.* Nothing in this Act shall affect the provisions of the Married Women's Property Act, 1882.

*Transitory Provisions.*

153. *Comptroller of bankruptcy, &c., and their staff.* (1.) The existing comptroller in bankruptcy and his officers, clerks, and servants shall not be attached to the Supreme Court, but shall in all respects act under the directions of the Board of Trade.

(2.) The existing official assignee, provisional and official assignee of the estates and effects of insolvent debtors, and receiver of the Insolvent Debtors' Court, together with his staff, the official solicitors and the messenger in bankruptcy, together with his staff, and the accountant in bankruptcy and his staff, and also such other officers and clerks of the London Bankruptcy Court as the Lord Chancellor, with the concurrence of the Board of Trade, may at any time select, shall be transferred to and become officers of the Board of Trade; provided that the Board of Trade, with the concurrence of the Lord Chancellor, may at any time transfer any such officer or clerk from the Board of Trade to the Supreme Court.

(3.) Subject to the provisions of this Act they shall hold their offices by the same tenure and on the same terms and conditions, and be entitled to the same rights in respect of salary and pension as heretofore, and their duties shall, except so far as altered with their own consent, be such as in the opinion of the Board of Trade are analogous to those performed by them at the commencement of this Act.

(4.) On the occurrence, at any time after the passing of this Act, of any vacancy in the office of any of the said persons the Board of Trade may, with the approval of the Treasury, make such arrangement as they think fit, either for the abolition of the office, or for its continuance under modified conditions, and may appoint a fit person to perform the remaining duties thereof, and the person so appointed shall have all the powers and authorities of the person who is at the passing of this Act the holder of such office; and all estates, rights, and effects vested at the time of the vacancy in any such officer shall by virtue of such appointment become vested in the person so appointed, and the like appointment on a vacancy shall be made, and the like vesting shall have effect from time to time as occasion requires: Provided that any person so appointed shall be an officer of the Board of Trade, and shall in all respects act under the directions of the Board of Trade.

(5.) The Board of Trade may, with the approval of the Lord Chancellor, from time to time direct that any duties or functions, not of a judicial character, relating to any bankruptcies, insolvencies, or other proceedings under any Act prior to the Bankruptcy Act, 1869, which were, at the time of the passing of this Act, performed or exercised by registrars of county courts, shall devolve on and be performed by the official receiver, and thereupon all powers and authorities of the registrar, and all estates, rights, and effects vested in the registrar shall become vested in the official receiver.

154. *Power to abolish existing offices.* (1.) If the Lord Chancellor is of opinion that any office attached to the London Bankruptcy Court at the passing of this Act is unnecessary, he may, with the concurrence of the Treasury, at any time after the passing of this Act, abolish the office.

(2.) The Treasury may, on the petition of any person whose office or employment is abolished by or under this Act, on the commencement of this Act or on any other event, inquire whether any, and if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office or employment, and the duration of his service; and if they think that his claim to compensation is established, may award to him, out of

moneys to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable.

(3.) The Board of Trade may, under the like conditions and on the like terms, abolish any of the offices in the last preceding section mentioned.

155. *Performance of new duties by persons whose offices are abolished.* (1.) The Lord Chancellor or Board of Trade may, at any time after the passing of this Act, appoint any person whose office is abolished under this Act to some other office under this Act, the duties of which he is in the opinion of the Lord Chancellor or Board competent to perform. Provided that the person so appointed shall during his tenure of the new office receive an amount of annual remuneration which, together with the compensation for the loss of the abolished office, is not less than the emoluments of the abolished office.

(2.) When, after the commencement of this Act, any officer is continued in the performance of any duties relating to bankruptcy or insolvency, under any previous Act, the Lord Chancellor, or, as the case may be, the Board of Trade may order that such officer may, in addition to such duties, perform any analogous duties under this Act, without being entitled to receive any additional remuneration.

156. *Selection of persons from holders of abolished offices.* Every person appointed to any office or employment under this Act shall in the first instance be selected from the persons (if any) whose office or employment is abolished under this Act, unless in the opinion of the Lord Chancellor, or in the case of persons to be appointed by the Board of Trade, of that Board, none of such persons are fit for such office or employment: Provided that the person so appointed or employed shall during his tenure of the new office be entitled to receive an amount of remuneration which, together with the compensation (if any) for loss of the abolished office, shall be not less than the emolument of the abolished office.

157. *Acceptance of public employment by annuitants.* If any person to whom a compensation annuity is granted under this Act accepts any public employment, he shall, during the continuance of that employment, receive only so much (if any) of that annuity as, with the remuneration of that employment, will amount to a sum not exceeding the salary or emoluments in respect of the loss whereof the annuity was awarded, and if the remuneration of that employment is equal to or greater than such salary or emoluments the annuity shall be suspended so long as he receives that remuneration.

158. *Superannuation of registrars, &c.* The registrars, clerks, and other persons holding their offices at the passing of this Act who may be continued in their offices shall, on their retirement therefrom, be allowed such superannuation as they would have been entitled to receive if this Act had not been passed, and they had continued in their offices under the existing Acts.

159. *Transfer of estates on vacancy of office of trustee in liquidation under the Bankruptcy Act, 1869.* In every liquidation by arrangement under the Bankruptcy Act, 1869, pending at the commencement of this Act, if at any time after the commencement of this Act there is no trustee acting in the liquidation by reason of death, or for any other cause, such of the official receivers of bankrupts' estates as is appointed by the Board of Trade for that purpose shall become and be the trustee in the liquidation, and the property of the liquidating debtor shall pass to and vest in him accordingly; but this provision shall not prejudice the right of the creditors in the liquidation to appoint a new trustee in manner directed by the Bankruptcy Act, 1869, or the rules thereunder; and on such appointment the property of the liquidating debtor shall pass to and vest in the new trustee.

The provisions of this Act with respect to the duties and responsibilities of and accounting by a trustee in a bankruptcy under this Act shall apply, as nearly as may be, to a trustee acting under the provisions of this section.

160. *Transfer of outstanding property on close of*

*bankruptcy or liquidation.*] Where a bankruptcy or liquidation by arrangement under the Bankruptcy Act, 1869, has been or is hereafter closed, any property of the bankrupt or liquidating debtor which vested in the trustee and has not been realised or distributed shall vest in such person as may be appointed by the Board of Trade for that purpose, and he shall thereupon proceed to get in, realise, and distribute the property in like manner and with and subject to the like powers and obligations as far as applicable, as if the bankruptcy or liquidation were continuing, and he were acting as trustee thereunder.

161. *Transfer of estates from registrars of London Court to official receiver.*] In every bankruptcy under the Bankruptcy Act, 1869, pending at the commencement of this Act, where a registrar of the London Bankruptcy Court or of any county court is or would hereafter but for this enactment become the trustee under the bankruptcy, such of the official receivers of bankrupts' estates as may be appointed by the Board of Trade for that purpose shall from and after the commencement of this Act be the trustee in the place of the registrar, and the property of the bankrupt shall pass to and vest in the official receiver accordingly.

#### Unclaimed Funds or Dividends.

162. *Unclaimed and undistributed dividends or funds under this and former Acts.*] (1.) Where the trustee under any bankruptcy, composition or scheme pursuant to this Act, shall have under his control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, such trustee shall have in his hands or under his control any unclaimed or undistributed moneys arising from the property of the debtor, he shall forthwith pay the same to the Bankruptcy Estates Account at the Bank of England. The Board of Trade shall furnish him with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(2.) (a.) Where, after the passing of this Act, any unclaimed or undistributed funds or dividends in the hands or under the control of any trustee or other person empowered to collect, receive, or distribute any funds or dividends under any Act of Parliament mentioned in the Fourth Schedule, or any petition, resolution, deed, or other proceeding under or in pursuance of any such Act, have remained or remain unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by such trustee or other person, it shall be the duty of such trustee or other person forthwith to pay the same to the Bankruptcy Estates Account at the Bank of England. The Board of Trade shall furnish such trustee or other person with a certificate of receipt of the money so paid, which shall be an effectual discharge to him in respect thereof.

(b.) The Board of Trade may at any time order any such trustee or other person to submit to them an account verified by affidavit of the sums received and paid by him under or in pursuance of any such petition, resolution, deed, or other proceeding as aforesaid, and may direct and enforce an audit of the account.

(c.) The Board of Trade, with the concurrence of the Treasury, may from time to time appoint a person to collect and get in all such unclaimed or undistributed funds or dividends, and for the purposes of this section any court having jurisdiction in bankruptcy shall have and at the instance of the person so appointed, or of the Board of Trade, may exercise all the powers conferred by this Act with respect to the discovery and realisation of the property of a debtor, and the provisions of Part I. of this Act with respect thereto shall, with any necessary modifications, apply to proceedings under this section.

(3.) The provisions of this section shall not, except as expressly declared herein, deprive any person of any larger or other right or remedy to which he may be entitled against such trustee or other person.

(4.) Any person claiming to be entitled to any moneys paid in to the Bankruptcy Estates Account pursuant to this section may apply to the Board of Trade for payment to him of the same, and the Board of Trade, if satisfied that the person claim-

ing is entitled, shall make an order for the payment to such person of the sum due.

Any person dissatisfied with the decision of the Board of Trade in respect of his claim may appeal to the High Court.

(5.) The Board of Trade may at any time after the passing of this Act open the account at the Bank of England referred to in this Act as the Bankruptcy Estates Account.

#### Punishment of Fraudulent Debtors.

163. *Extension of penal provisions of 32 & 33 Vict. s. 62, to petitioning debtors, &c.*] (1.) Sections eleven and twelve of the Debtors Act, 1869, relating to the punishment of fraudulent debtors and imposing a penalty for absconding with property, shall have effect as if there were substituted therein for the words "if after the presentation of a bankruptcy petition against him," the words, "if after the presentation of a bankruptcy petition by or against him."

(2.) The provisions of the Debtors Act, 1869, as to offences by bankrupts shall apply to any person whether a trader or not in respect of whose estate a receiving order has been made as if the term "bankrupt" in that Act included a person in respect of whose estate a receiving order had been made.

164. *Power for Court to order prosecution on report of official receiver.*] Section sixteen of the Debtors Act, 1869, shall be construed and have effect as if the term "a trustee in any bankruptcy" included the official receiver of a bankrupt's estate, and shall apply to offences under this Act as well as to offences under the Debtors Act, 1869.

165. *Power for Court to commit for trial.*] (1.) Where there is, in the opinion of the Court, ground to believe that the bankrupt or any other person has been guilty of any offence which is by statute made a misdemeanor in cases of bankruptcy, the Court may commit the bankrupt or such other person for trial.

(2.) For the purpose of committing the bankrupt or such other person for trial the Court shall have all the powers of a stipendiary magistrate as to taking depositions, binding over witnesses to appear, admitting the accused to bail, or otherwise.

Nothing in this sub-section shall be construed as derogating from the powers or jurisdiction of the High Court.

166. *Public Prosecutor to act in certain cases.*] Where the Court orders the prosecution of any person for any offence under the Debtors Act, 1869, or Acts amending it, or for any offence arising out of or connected with any bankruptcy proceedings, it shall be the duty of the Director of Public Prosecutions to institute and carry on the prosecution.

167. *Criminal liability after discharge or composition.*] Where a debtor has been guilty of any criminal offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

#### Interpretation.

168. *Interpretation of terms.*] (1.) In this Act, unless the context otherwise requires—

"The Court" means the Court having jurisdiction in bankruptcy under this Act:

"Affidavit" includes statutory declarations, affirmations, and attestations on honour:

"Available act of bankruptcy" means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made:

"Debt provable in bankruptcy" or "provable debt" includes any debt or liability by this Act made provable in bankruptcy:

"Gazetted" means published in the London Gazette:

"General rules" includes forms:

"Goods" includes all chattels personal:

"High Court" means Her Majesty's High Court of Justice:

"Local bank" means any bank in or in the neighbourhood of the bankruptcy district in which the proceedings are taken:

"Oath" includes affirmation, statutory declaration, and attestation on honour:

"Ordinary resolution" means a resolution decided by a majority in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution:

"Person" includes a body of persons corporate or unincorporate:

"Prescribed" means prescribed by general rules within the meaning of this Act:

"Property" includes money, goods, things in action, land, and every description of property, whether real or personal and whether situate in England, or elsewhere; also obligations, easements, and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined:

"Resolution" means ordinary resolution:

"Secured creditor" means a person holding a mortgage charge or lien on the property of the debtor, or any part thereof, as a security for a debt due to him from the debtor:

"Schedule" means schedule to this Act:

"Sheriff" includes any officer charged with the execution of a writ or other process:

"Special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors, and voting on the resolution:

"Treasury" means the Commissioners of Her Majesty's Treasury:

"Trustee" means the trustee in bankruptcy of a debtor's estate.

(2.) The schedules to this Act shall be construed and have effect as part of this Act.

#### Repeal.

169. *Repeal of enactments.*] (1.) The enactments described in the Fifth Schedule are hereby repealed as from the commencement of this Act to the extent mentioned in that Schedule.

(2.) The repeal effected by this Act shall not affect—

(a.) anything done or suffered before the commencement of this Act under any enactment repealed by this Act; nor

(b.) any right or privilege acquired, or duty imposed or liability or disqualification incurred, under any enactment so repealed; nor

(c.) any fine, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed or to be committed against any enactment so repealed; nor

(d.) the institution or continuance of any proceeding or other remedy, whether under any enactment so repealed, or otherwise, for ascertaining any such liability or disqualification, or enforcing or recovering any such fine, forfeiture, or punishment, as aforesaid.

(3.) Notwithstanding the repeal effected by this Act, the proceedings under any bankruptcy petition, liquidation by arrangement, or composition with creditors under the Bankruptcy Act, 1869, pending at the commencement of this Act shall, except so far as any provision of this Act is expressly applied to pending proceedings, continue, and all the provisions of the Bankruptcy Act, 1869, shall, except as aforesaid, apply thereto, as if this Act had not passed.

170. *Proceedings under 32 & 33 Vict. c. 71, ss. 125, 126.*] After the passing of this Act no composition or liquidation by arrangement under sections 125 and 126 of the Bankruptcy Act, 1869, shall be entered into or allowed without the sanction of the court or registrar having jurisdiction in the matter; such sanction shall not be granted unless the composition or liquidation appears to the court or registrar to be reasonable and calculated to benefit the general body of creditors.

#### SCHEDULES.

##### THE FIRST SCHEDULE.

##### MEETINGS OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than fourteen days after the date of the receiving order, unless



the Court for any special reason deem it expedient that the meeting be summoned for a later day.

2. The official receiver shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the London Gazette and in a local paper.

3. The official receiver shall also, as soon as practicable, send to each creditor mentioned in the debtor's statement of affairs, a notice of the time and place of the first meeting of creditors, accompanied by a summary of the debtor's statement of affairs, including the causes of his failure, and any observations thereon which the official receiver may think fit to make; but the proceedings at the first meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the official receiver most convenient for the majority of the creditors.

5. The official receiver or the trustee may at any time summon a meeting of creditors, and shall do so whenever so directed by the Court, or so requested in writing by one fourth in value of the creditors.

6. Meetings subsequent to the first meeting shall be summoned by sending notice of the time and place thereof to each creditor at the address given in his proof, or if he has not proved, at the address given in the debtor's statement of affairs, or at such other address as may be known to the person summoning the meeting.

7. The official receiver, or some person nominated by him shall be the chairman at the first meeting. The chairman at subsequent meetings shall be such person as the meeting by resolution appoint.

8. A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor, and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained.

10. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him, after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from its proof.

12. It shall be competent to the trustee or to the official receiver, within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting, to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated, with an addition thereto of twenty per centum. Provided, that where a creditor has put a value on such security, he may, at any time before he has been required to give up such security as aforesaid, correct such valuation by a new proof, and deduct such new value from his debt, but in that case such addition of twenty per centum shall not be made if the trustee requires the security to be given up.

13. If a receiving order is made against one partner of a firm, any creditor to whom that partner is indebted jointly with the other partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or

rejected he shall mark the proof as objected to and shall allow the creditor to vote, subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form, and shall be issued by the official receiver, or, after the appointment of a trustee, by the trustee, and every insertion therein shall be in the handwriting of the person giving the proxy.

17. A creditor may give a general proxy to his manager or clerk, or any other person in his regular employment. In such case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting, or adjournment thereof, for or against any specific resolution, or for or against any specified person as trustee, or member of a committee of inspection.

19. A proxy shall not be used unless it is deposited with the official receiver or trustee before the meeting at which it is to be used.

20. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a trustee or receiver in obtaining proxies, or in procuring the trusteeship or receivership, except by the direction of a meeting of creditors, the Court shall have power, if it think fit, to order that no remuneration shall be allowed to the person by whom or on whose behalf such solicitation may have been exercised, notwithstanding any resolution of the committee of inspection or of the creditors to the contrary.

21. A creditor may appoint the official receiver of the debtor's estate to act in manner prescribed as his general or special proxy.

22. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

23. A meeting shall not be competent to act for any purpose, except the election of a chairman, the proving of debts, and the adjournment of the meeting, unless there are present, or represented thereat, at least three creditors, or all the creditors if their number does not exceed three.

24. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day as the chairman may appoint, not being less than seven or more than twenty-one days.

25. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up, and fairly entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

26. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer, in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor. Provided that where any person holds special proxies to vote for the appointment of himself as trustee he may use the said proxies and vote accordingly.

## THE SECOND SCHEDULE.

### PROOF OF DEBTS.

#### *Proof in ordinary cases.*

1. Every creditor shall prove his debt as soon as may be after the making of the receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the official receiver, or, if a trustee has been appointed, to the trustee, an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself, or by some person authorised by or on behalf of the creditor. If made by a person so authorised it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official

receiver or trustee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt, unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

#### *Proof by secured Creditors.*

9. If a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

10. If a secured creditor surrenders his security to the official receiver or trustee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realise or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a.) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value.

(b.) If the trustee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the trustee, or as, in default of such agreement, the Court may direct. If the sale be by public auction the creditor, or the trustee on behalf of the estate, may bid or purchase.

(c.) Provided that the creditor may at any time, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realised, and if the trustee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the trustee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the trustee, or the Court, that the valuation and proof were made bona fide on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the trustee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realises it, or if it is realised under the provisions of Rule 12, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12, a creditor shall in no case receive more than twenty shillings in the pound, and interest as provided by this Act.

*Proof in respect of Distinct Contracts.*

18. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of the contracts, against the properties respectively liable on the contracts.

*Periodical Payments.*

19. When any rent or other payment falls due at stated periods, and the receiving order is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

*Interest.*

20. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order and provable in bankruptcy, the creditor may prove for interest at a rate not exceeding four per centum per annum to the date of the order from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

*Debt payable at a future time.*

21. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five pounds per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

*Admission or Rejection of Proofs.*

22. The trustee shall examine every proof and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it. If he rejects a proof he shall state in writing to the creditor the grounds of the rejection.

23. If the trustee thinks that a proof has been improperly admitted, the Court may, on the application of the trustee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the trustee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the trustee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

26. For the purpose of any of his duties in relation to proofs, the trustee may administer oaths and take affidavits.

27. The official receiver, before the appointment of a trustee, shall have all the powers of a trustee with respect to the examination, admission, and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

**THE THIRD SCHEDULE.**

*LIST OF METROPOLITAN COUNTY COURTS.*

The Bloomsbury County Court of Middlesex.  
The Bow County Court of Middlesex.  
The Brompton County Court of Middlesex.  
The Clerkenwell County Court of Middlesex.  
The Lambeth County Court of Surrey

The Marylebone County Court of Middlesex.  
The Shoreditch County Court of Middlesex.  
The Southwark County Court of Surrey.  
The Westminster County Court of Middlesex.  
The Whitechapel County Court of Middlesex.

**THE FOURTH SCHEDULE.**

*STATUTES RELATING TO UNCLAIMED DIVIDENDS.*

Session and Chapter.	Title of Act.
7 & 8 Vict. c. 70	An Act for facilitating arrangements between debtors and creditors.
12 & 13 Vict. c. 106	The Bankruptcy Law Consolidation Act, 1849.
24 & 25 Vict. c. 134	The Bankruptcy Act, 1861.
32 & 33 Vict. c. 71	The Bankruptcy Act, 1869.

**THE FIFTH SCHEDULE.**

*ENACTMENTS REPEALED AS TO ENGLAND.*

13 Edw. 1. c. 18 in part	The statutes of Westminster the Second, chapter eighteen, Execution either by levying of the land and goods, or by delivery of goods and half the land; at the choice of the creditor; in part; namely, the words "all the chattels of the debtor saving only his oxen and beasts of the plough, and"
32 & 33 Vict. c. 62 in part.	The Debtors Act, 1869. in part; namely, Sub-section (b) of section five, and Sections twenty-one and twenty-two.
32 & 33 Vict. c. 71	The Bankruptcy Act, 1869.
32 & 33 Vict. c. 83 in part.	The Bankruptcy Repeal and Insolvent Court Act, 1869. in part; namely, Section nineteen.
33 & 34 Vict. c. 76	The Absconding Debtors Act, 1870.
34 & 35 Vict. c. 50	The Bankruptcy Disqualification Act, 1871. Except sections six, seven, and eight.
38 & 39 Vict. c. 77 in part.	The Supreme Court of Judicature Act, 1875. in part; namely, Sections nine and thirty-two.

**CAP. LIII.**

An Act to amend the Law relating to certain Factories and Workshops.

[25th August 1883.]

**CAP. LIV.**

An Act to make further provision respecting the National Debt, and the Investment of Moneys in the hands of the National Debt Commissioners on account of Savings Banks, and otherwise.

[25th August 1883.]

**CAP. LV.**

An Act to amend the Law relating to the Customs and Inland Revenue, and to make other provisions respecting charges payable out of the public revenue, and for other purposes.

[25th August 1883.]

**CAP. LVI.**

An Act to amend the Laws relating to Education in Scotland, and for other purposes connected therewith.

[25th August 1883.]

**CAP. LVII.**

An Act to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks.

[25th August 1883.]

**CAP. LVIII.**

An Act to amend the Post Office (Money Orders) Acts, 1848 and 1880, and extend the same to Her Majesty's Dominions out of the United Kingdom.

[25th August 1883.]

**CAP. LIX.**

An Act to make better provision for the Prevention of outbreaks of formidable epidemic, endemic, or infectious diseases, and to amend the Public Health Act, England, 1875, and the Public Health Act, Ireland, 1878.

[25th August 1883.]

**CAP. LX.**

An Act to better the condition of Labourers in Ireland.

[25th August 1883.]

**CAP. LXI.**

An Act for amending the Law relating to Agricultural Holdings in England.

[25th August 1883.]

Be it enacted, &c. :

**PART I.**

*IMPROVEMENTS.*

*Compensation for Improvements.*

1. *General right of tenant to compensation.* Subject as in this Act mentioned, where a tenant has made on his holding any improvement comprised in the First Schedule hereto, he shall, on and after the commencement of this Act, be entitled on quitting his holding at the determination of a tenancy to obtain from the landlord as compensation under this Act for such improvement such sum as fairly represents the value of the improvement to an incoming tenant: Provided always, that in estimating the value of any improvement in the First Schedule hereto there shall not be taken into account as part of the improvement made by the tenant what is justly due to the inherent capabilities of the soil.

*As to Improvements executed before the Commencement of Act.*

2. *Restriction as to improvements before Act.* Compensation under this Act shall not be payable in respect of improvements executed before the commencement of this Act, with the exceptions following, that—

- (1.) Where a tenant has within ten years before the commencement of this Act made an improvement mentioned in the third part of the First Schedule hereto, and he is not entitled under any contract, or custom, or under the Agricultural Holdings (England) Act, 1875, to compensation in respect of such improvement; or,
- (2.) Where a tenant has executed an improvement mentioned in the first or second part of the said First Schedule within ten years previous to the commencement of this Act, and he is not entitled under any contract, or custom, or under the Agricultural Holdings (England) Act, 1875, to compensation in respect of such improvement, and the landlord within one year after the commencement of this Act declares in writing his consent to the making of such improvement, then such tenant on quitting his holding at the determination of a tenancy after the commencement of this Act may claim compensation under this Act in respect of such improvement in the same manner as if this Act had been in force at the time of the execution of such improvement.

*As to Improvements executed after the Commencement of Act.*

3. *Consent of landlord as to improvement in First Schedule, Part I.* Compensation under this Act shall not be payable in respect of any improvement mentioned in the first part of the First Schedule hereto, and executed after the commencement of this Act, unless the landlord, or his agent duly authorised in that behalf, has, previously to the execution of the improvement and after the passing of this Act, consented in writing to the making of



such improvement, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation, or otherwise, as may be agreed upon between the landlord and the tenant, and in the event of any agreement being made between the landlord and the tenant, any compensation payable thereunder shall be deemed to be substituted for compensation under this Act.

4. *Notice to landlord as to improvement in First Schedule, Part II.]* Compensation under this Act shall not be payable in respect of any improvement mentioned in the second part of the First Schedule hereto, and executed after the commencement of this Act, unless the tenant has, not more than three months and not less than two months before beginning to execute such improvement, given to the landlord, or his agent duly authorised in that behalf, notice in writing of his intention so to do and of the manner in which he proposes to do the intended work, and upon such notice being given, the landlord and tenant may agree on the terms as to compensation or otherwise on which the improvement is to be executed, and in the event of any such agreement being made, any compensation payable thereunder shall be deemed to be substituted for compensation under this Act, or the landlord may, unless the notice of the tenant is previously withdrawn, undertake to execute the improvement himself, and may execute the same in any reasonable and proper manner which he thinks fit, and charge the tenant with a sum not exceeding five pounds per centum per annum on the outlay incurred in executing the improvement, or not exceeding such annual sum payable for a period of twenty-five years as will repay such outlay in the said period, with interest at the rate of three per centum per annum, such annual sum to be recoverable as rent. In default of any such agreement or undertaking, and also in the event of the landlord failing to comply with his undertaking within a reasonable time, the tenant may execute the improvement himself, and shall in respect thereof be entitled to compensation under this Act.

The landlord and tenant may, if they think fit, dispense with any notice under this section, and come to an agreement in a lease or otherwise between themselves in the same manner and of the same validity as if such notice had been given.

5. *Reservation as to existing and future contracts of tenancy.]* Where, in the case of a tenancy under a contract of tenancy current at the commencement of this Act, any agreement in writing or custom, or the Agricultural Holdings (England) Act, 1875, provides specific compensation for any improvement comprised in the First Schedule hereto, compensation in respect of such improvement, although executed after the commencement of this Act, shall be payable in pursuance of such agreement, custom, or Act of Parliament, and shall be deemed to be substituted for compensation under this Act.

Where in the case of a tenancy under a contract of tenancy beginning after the commencement of this Act, any particular agreement in writing secures to the tenant for any improvement mentioned in the third part of the First Schedule hereto, and executed after the commencement of this Act, fair and reasonable compensation, having regard to the circumstances existing at the time of making such agreement, then in such case the compensation in respect of such improvement shall be payable in pursuance of the particular agreement, and shall be deemed to be substituted for compensation under this Act.

The last preceding provision of this section relating to a particular agreement shall apply in the case of a tenancy under a contract of tenancy current at the commencement of this Act in respect of an improvement mentioned in the third part of the First Schedule hereto, specific compensation for which is not provided by any agreement in writing, or custom, or the Agricultural Holdings Act, 1875.

*Regulations as to Compensation for Improvements.*

6. *Regulations as to compensation for improvements.]* In the ascertainment of the amount of the compensation under this Act payable to the tenant in respect of any improvement there shall be taken into account in reduction thereof:

- (a.) Any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement; and
- (b.) In the case of compensation for manures the

value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, except as far as a proper return of manure to the holding has been made in respect of such produce so sold off or removed therefrom; and

- (c.) Any sums due to the landlord in respect of rent or in respect of any waste committed or permitted by the tenant, or in respect of any breach of covenant or other agreement connected with the contract of tenancy committed by the tenant, also any taxes, rates, and tithe rentcharge due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord.

There shall be taken into account in augmentation of the tenant's compensation—

- (d.) Any sum due to the tenant for compensation in respect of a breach of covenant or other agreement connected with a contract of tenancy and committed by the landlord.

Nothing in this section shall enable a landlord to obtain under this Act compensation in respect of waste by the tenant or of breach by the tenant committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy.

*Procedure.*

7. *Notice of intended claim.]* A tenant claiming compensation under this Act shall, two months at least before the determination of the tenancy, give notice in writing to the landlord of his intention to make such claim.

Where a tenant gives such notice, the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim in respect of any waste or any breach of covenant or other agreement.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars and amount of the intended claim.

8. *Compensation agreed or settled by reference.]* The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid under this Act.

If in any case they do not so agree the difference shall be settled by a reference.

9. *Appointment of referee or referees and umpire.]* Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows:—

- (1.) If the parties concur, there may be a single referee appointed by them jointly;
- (2.) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties, or either of them, requiring him to act, fails to act, the proceedings shall begin afresh, as if no referee had been appointed;
- (3.) If the parties do not concur in the appointment of a single referee, each of them shall appoint a referee;
- (4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from either party requiring him to act, fails to act, the party appointing him shall appoint another referee;
- (5.) Notice of every appointment of a referee by either party shall be given to the other party;
- (6.) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint a competent and impartial person to be a referee;
- (7.) Where two referees are appointed, then (subject to the provisions of this Act) they shall before they enter on the reference appoint an umpire;
- (8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire;
- (9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within four-

teen days appoint a competent and impartial person to be the umpire:

- (10.) Every appointment, notice, and request under this section shall be in writing.

10. *Requisition for appointment of umpire by Land Commissioners, &c.]* Provided that, where two referees are appointed, an umpire may be appointed as follows:

- (1.) If either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the Land Commissioners for England, then the umpire, and any successor to him, shall be appointed, on the application of either party, by those commissioners.
- (2.) In every other case, if either party on appointing a referee requires, by notice in writing to the other, that the umpire shall be appointed by the county court, then, unless the other party dissents by notice in writing therefrom, the umpire, and any successor to him, shall on the application of either party be so appointed, and in case of such dissent the umpire, and any successor to him, shall be appointed, on the application of either party, by the Land Commissioners for England.

11. *Exercise of powers of county court.]* The powers of the county court under this Act relative to the appointment of a referee or umpire shall be exercisable by the judge of the court having jurisdiction, whether he is without or within his district, and may, by consent of the parties, be exercised by the registrar of the court.

12. *Mode of submission to reference.]* The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it; and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

13. *Power for referee, &c., to require production of documents, administer oaths, &c.]* The referee or referees or umpire may call for the production of any sample, or voucher, or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

14. *Power to proceed in absence.]* The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient, after notice given to the parties.

15. *Form of award.]* The award shall be in writing, signed by the referee or referees or umpire.

16. *Time for award of referee or referees.]* A single referee shall make his award ready for delivery within twenty-eight days after his appointment.

Two referees shall make their award ready for delivery within twenty-eight days after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole forty-nine days after the appointment of the last appointed of them.

17. *Award in respect of compensation under ss. 3, 4, and 5.]* In any case provided for by sections three, four, or five, if compensation is claimed under this Act, such compensation as under any of those sections is to be deemed to be substituted for compensation under this Act, if and so far as the same can, consistently with the terms of the agreement, if any, be ascertained by the referees or the umpire, shall be awarded in respect of any improvements thereby provided for, and the award shall, when necessary, distinguish such improvements and the amount awarded in respect thereof; and an award given under this section shall be subject to the appeal provided by this Act.

18. *Reference to and award by umpire.]* Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

The umpire shall make his award ready for delivery within twenty-eight days after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court from time to time appoints, on the application of the umpire or of either party, made before the expiration of the time appointed by or extended under this section.

19. *Award to give particulars.*] The award shall not award a sum generally for compensation, but shall, so far as possible, specify—

- (a.) The several improvements, acts, and things in respect whereof compensation is awarded, and the several matters and things taken into account under the provisions of this Act in reduction or augmentation of such compensation;
- (b.) The time at which each improvement, act, or thing was executed, done, committed, or permitted;
- (c.) The sum awarded in respect of each improvement, act, matter, and thing; and
- (d.) Where the landlord desires to charge his estate with the amount of compensation found due to the tenant, the time at which, for the purposes of such charge, each improvement, act, or thing in respect of which compensation is awarded is to be deemed to be exhausted.

20. *Costs of reference.*] The costs of and attending the reference, including the remuneration of the referee or referees and umpire, where the umpire has been required to act, and including other proper expenses, shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

The award may direct the payment of the whole or any part of the costs aforesaid by the one party to the other.

The costs aforesaid shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

21. *Day for payment.*] The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise.

22. *Submission not to be removable, &c.*] A submission or award shall not be made a rule of any court, or be removable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act.

23. *Appeal to county court.*] Where the sum claimed for compensation exceeds one hundred pounds, either party may, within seven days after delivery of the award, appeal against it to the judge of the county court on all or any of the following grounds:

1. That the award is invalid;
2. That the award proceeds wholly or in part upon an improper application of or upon the omission properly to apply the special provisions of sections three, four, or five of this Act;
3. That compensation has been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was not entitled to compensation;
4. That compensation has not been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was entitled to compensation;

and the judge shall hear and determine the appeal, and may, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit.

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge shall, at the request of either party, state a special case on a question of law for the judgment of the High Court of Justice, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

24. *Recovery of compensation.*] Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

25. *Appointment of guardian.*] Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

26. *Provisions respecting married women.*] Where the appointment of a person to act as the next friend of a married woman is required for the purposes of this Act, the county court may make such appointment, and may remove or change that next friend if and as occasion requires.

A woman married before the commencement of the Married Women's Property Act, 1882, entitled for her separate use to land, her title to which accrued before such commencement as aforesaid, and not restrained from anticipation, shall, for the purposes of this Act, be in respect of land as if she was unmarried.

Where any other woman married before the commencement of the Married Women's Property Act, 1882, is desirous of doing any act under this Act in respect of land, her title to which accrued before such commencement as aforesaid, her husband's concurrence shall be requisite, and she shall be examined apart from him by the county court or by the judge of the county court for the place where she for the time being is, touching her knowledge of the nature and effect of the intended act, and it shall be ascertained that she is acting freely and voluntarily.

27. *Costs in county court.*] The costs of proceedings in the county court under this Act shall be in the discretion of the court.

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court.

28. *Service of notice, &c.*] Any notice, request, or demand, or other instrument under this Act may be served on the person to whom it is to be given, either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course; and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted, and that it contained the notice, request, demand, or other instrument to be served.

#### Charge of Tenant's Compensation.

29. *Power for landlord on paying compensation to obtain charge.*] A landlord, on paying to the tenant the amount due to him in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, or on expending such amount as may be necessary to execute an improvement under the second part of the First Schedule hereto, after notice given by the tenant of his intention to execute such improvement in accordance with this Act, shall be entitled to obtain from the county court a charge on the holding, or any part thereof, to the amount of the sum so paid or expended.

The court shall, on proof of the payment or expenditure, and on being satisfied of the observance in good faith by the parties of the conditions imposed by this Act, make an order charging the holding, or any part thereof, with repayment of the amount paid or expended, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But, where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in

respect whereof compensation is paid will, where an award has been made, be taken to have been exhausted according to the declaration of the award, and in other case after the time when any such improvement will in the opinion of the court, after hearing such evidence (if any), as it thinks expedient, have become exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

The estate or interest of any landlord holding for an estate or interest determinable or liable to forfeiture by reason of his creating or suffering any charge thereon shall not be determined or forfeited by reason of his obtaining a charge under this Act, anything in any deed, will, or other instrument to the contrary thereof notwithstanding.

Capital money arising under the Settled Land Act, 1882, may be applied in payment of any moneys expended and costs incurred by a landlord under or in pursuance of this Act in or about the execution of any improvement mentioned in the first or second parts of the schedule hereto, as for an improvement authorised by the said Settled Land Act; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money.

30. *Incidence of charge.*] The sum charged by the order of a county court under this Act shall be a charge on the holding, or the part thereof charged, for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns, in the tenancy where the landlord is himself a tenant of the holding.

31. *Provision in case of trustee.*] Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise than for his own benefit, the amount due from such landlord in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, shall be charged and recovered as follows and not otherwise; (that is to say,)

- (1.) The amount so due shall not be recoverable personally against such landlord, nor shall he be under any liability to pay such amount, but the same shall be a charge on and recoverable against the holding only.
- (2.) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the county court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case may be, to the tenant.
- (3.) If such landlord neglect or fail within one month after the tenant has quitted his holding to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the county court in favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder.
- (4.) The court shall on proof of the tenant's title to have a charge made in his favour make an order charging the holding with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain.

32. *Advance made by a company.*] Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

#### Notice to quit.

33. *Time of notice to quit.*] Where a half-year's notice, expiring with a year of tenancy is by law



necessary and sufficient for determination of a tenancy from year to year, in the case of any such tenancy under a contract of tenancy made either before or after the commencement of this Act, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same, unless the landlord and tenant of the holding, by writing under their hands, agree that this section shall not apply, in which case a half-year's notice shall continue to be sufficient; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt, or has filed a petition for a composition or arrangement with his creditors.

*Fixtures.*

34. *Tenant's property in fixtures, machinery, &c.* Where after the commencement of this Act a tenant affixes to his holding any engine, machinery, fencing, or other fixture, or erects any building for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, then such fixture or building shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy.

Provided as follows—

1. Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect to the holding;
2. In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding;
3. Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal;
4. The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it;
5. At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal).

*Crown and Duchy Lands.*

35. *Application of Act to Crown lands.* This Act shall extend and apply to land belonging to Her Majesty the Queen, her heirs and successors, in right of the Crown.

With respect to such land, for the purposes of this Act, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as Her Majesty, her heirs or successors, may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in respect of an improvement mentioned in the first or second part of the First Schedule hereto, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement mentioned in the third part of the First Schedule hereto, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be payable to those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

36. *Application of Act to land of Duchy of Lancaster.* This Act shall extend and apply to land belonging to Her Majesty, her heirs and successors, in the right of the Duchy of Lancaster.

With respect to such land for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement mentioned in the first or second part of the First Schedule to this Act shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, her heirs or successors, in right of the Duchy, within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and paid as in that section provided with respect to the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement mentioned in the third part of the First Schedule to this Act shall be paid out of the annual revenues of the Duchy.

37. *Application of Act to land of Duchy of Cornwall.* This Act shall extend and apply to land belonging to the Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage aforesaid, for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual, warrant, or otherwise, appoints, shall represent the Duke of Cornwall or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement mentioned in the first or second part of the First Schedule to this Act shall be deemed to be payable in respect of an improvement of land within section eight of the Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

*Ecclesiastical and Charity Lands.*

38. *Landlord, archbishop or bishop.* Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners for England.

39. *Landlord, incumbent of benefice.* Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person, officer, or authority who, in case the benefice were vacant, would be entitled to present thereto, or of the Governors of Queen Anne's Bounty (that is, the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy).

In every such case the Governors of Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

40. *Landlord, charity trustees, &c.* The powers by this Act conferred on a landlord in respect of charging the land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the previous approval in writing of the Charity Commissioners for England and Wales.

*Resumption for Improvements, and Miscellaneous.*

41. *Resumption of possession for cottages, &c.* Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes:

- The erection of farm labourers cottages or other houses, with or without gardens;
- The providing of gardens for existing farm labourers cottages or other houses;
- The allotment for labourers of land for gardens or other purposes;
- The planting of trees;
- The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;
- The obtaining of brick earth, gravel, or sand;
- The making of a watercourse or reservoir;
- The making of any road, railway, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice to quit so states, then it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding or by the use to be made thereof, and the amount of that reduction shall be ascertained by agreement or settled by a reference under this Act, as in case of compensation (but without appeal).

The tenant shall further be entitled, at any time within twenty-eight days after service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

42. *Provision as to limited owners.* Subject to the provisions of this Act in relation to Crown, duchy, ecclesiastical, and charity lands, a landlord, whatever may be his estate or interest in his holding, may give any consent, make any agreement, or do or have done to him any act in relation to improvements in respect of which he compensation is payable under this Act which he might give or make or do or have done to him if he were in the case of an estate of inheritance owner thereof in fee, and in the case of a leasehold possessed of the whole estate in the leasehold.

43. *Provision in case of reservation of rent.* When, by any Act of Parliament, deed, or other instrument, a lease of a holding is authorised to be made, provided that the best rent, or reservation in the nature of rent, is by such lease reserved, then, whenever any lease of a holding is, under such authority, made to the tenant of the same, it shall not be necessary, in estimating such rent or reservation, to take into account against the tenant the increase (if any) in the value of such holding arising from any improvements made or paid for by him on such holding.

PART II.

*Distress.*

44. *Limitation of distress in respect of amount and time.* After the commencement of this Act it shall not be lawful for any landlord entitled to the rent of any holding to which this Act applies to distrain for rent, which became due in respect of such holding, more than one year before the making of such distress, except in the case of arrears of rent in respect of a holding to which this Act applies existing at the time of the passing of this Act, which arrears shall be recoverable by distress up to the first day of January one thousand eight hundred and eighty-five to the same extent as if this Act had not passed.

Provided that where it appears that according to the ordinary course of dealing between the landlord and tenant of a holding the payment of the rent of such holding has been allowed to be deferred until the expiration of a quarter of a year or half a year after the date at which such rent legally became due, then for the purpose of this section the rent of such holding shall be deemed to have become due at the expiration of such quarter or

half year as aforesaid, as the case may be, and not at the date at which it legally became due.

45. *Limitation of distress in respect of things to be distrained.* Where live stock belonging to another person has been taken in by the tenant of a holding to which this Act applies to be fed at a fair price agreed to be paid for such feeding by the owner of such stock to the tenant, such stock shall not be distrained by the landlord for rent where there is other sufficient distress to be found, and if so distrained by reason of other sufficient distress not being found, there shall not be recovered by such distress a sum exceeding the amount of the price so agreed to be paid for the feeding, or if any part of such price has been paid exceeding the amount remaining unpaid, and it shall be lawful for the owner of such stock, at any time before it is sold, to redeem such stock by paying to the distrainer a sum equal to such price as aforesaid, and any payment so made to the distrainer shall be in full discharge as against the tenant of any sum of the like amount which would be otherwise due from the owner of the stock to the tenant in respect of the price of feeding: Provided always, that so long as any portion of such live stock shall remain on the said holding the right to distrain such portion shall continue to the full extent of the price originally agreed to be paid for the feeding of the whole of such live stock, or if part of such price has been bona fide paid to the tenant under the agreement, then to the full extent of the price then remaining unpaid.

Agricultural or other machinery which is the bona fide property of a person other than the tenant, and is on the premises of the tenant under a bona fide agreement with him for the hire or use thereof in the conduct of his business, and live stock of all kinds which is the bona fide property of a person other than the tenant, and is on the premises of the tenant solely for breeding purposes, shall not be distrained for rent in arrear.

46. *Remedy for wrongful distress under this Act.* Where any dispute arises—

- (a) in respect of any distress having been levied contrary to the provisions of this Act; or
- (b) as to the ownership of any live stock distrained, or as to the price to be paid for the feeding of such stock; or
- (c) as to any other matter or thing relating to a distress on a holding to which this Act applies:

such dispute may be heard and determined by the county court or by a court of summary jurisdiction, and any such county court or court of summary jurisdiction may make an order for restoration of any live stock or things unlawfully distrained, or may declare the price agreed to be paid in the case where the price of the feeding is required to be ascertained, or may make any other order which justice requires: any such dispute as mentioned in this section shall be deemed to be a matter in which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts; but any person aggrieved by any decision of such court of summary jurisdiction under this section may, on giving such security to the other party as the court may think just, appeal to a court of general or quarter sessions.

47. *Set-off of compensation against rent.* Where the compensation due under this Act, or under any custom or contract, to a tenant has been ascertained before the landlord distrains for rent due, the amount of such compensation may be set off against the rent due, and the landlord shall not be entitled to distrain for more than the balance.

48. *Exclusion of certiorari.* An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.

49. *Limitation of costs in case of distress.* No person whatsoever making any distress for rent on a holding to which this Act applies when the sum demanded and due shall exceed the sum of twenty pounds for or in respect of such rent shall be entitled to any other or more costs and charges for and in respect of such distress or any matter or thing done therein than such as are fixed and set forth in the Second Schedule hereto.

50. *Repeal of 2 W. and M. c. 5, s. 1, as to appraisement and sale at public auction.* So much of an Act passed in the second year of the reign of their Majesties King William the Third and Mary, chapter five, as requires appraisement before sale of goods distrained is hereby repealed as respects any holding to which this Act applies, and the landlord or other person levying a distress on such holding may sell the goods and chattels distrained without causing them to be previously appraised; and for the purposes of sale the goods and chattels distrained shall, at the request in writing of the tenant or owner of such goods and chattels, be removed to a public auction room or to some other fit and proper place specified in such request, and be there sold. The costs and expenses attending any such removal, and any damage to the goods and chattels arising therefrom shall be borne and paid by the party requesting the removal.

51. *Extension of time to replevy at request of tenant.* The period of five days provided in the said Act of William and Mary, chapter five, within which the tenant or owner of goods and chattels distrained may replevy the same shall, in the case of any distress on a holding to which this Act applies, be extended to a period of not more than fifteen days, if the tenant or such owner make a request in writing in that behalf to the landlord or other person levying the distress, and also give security for any additional costs that may be occasioned by such extension of time. Provided that the landlord or person levying the distress may, at the written request or with the written consent of the tenant, or such owner as aforesaid, sell the goods and chattels distrained or part of them at any time before the expiration of such extended period as aforesaid.

52. *Bailiffs to be appointed by county court judges.* From and after the commencement of this Act no person shall act as a bailiff to levy any distress on any holding to which this Act applies unless he shall be authorised to act as a bailiff by a certificate in writing under the hand of the judge of a county court; and every county court judge shall, on or before the thirty-first day of December one thousand eight hundred and eighty-three, and afterwards from time to time as occasion shall require, appoint a competent number of fit and proper persons to act as such bailiffs as aforesaid. If any person so appointed shall be proved to the satisfaction of the said judge to have been guilty of any extortion or other misconduct in the execution of his duty as a bailiff, he shall be liable to have his appointment summarily cancelled by the said judge.

### PART III.

#### General Provisions.

53. *Commencement of Act.* This Act shall come into force on the first day of January one thousand eight hundred and eighty-four, which day is in this Act referred to as the commencement of this Act.

54. *Holdings to which Act applies.* Nothing in this Act shall apply to a holding that is not either wholly agricultural or wholly pastoral, or in part agricultural, and as to the residue pastoral, or in whole or in part cultivated as a market garden, or to any holding let to the tenant during his continuance in any office, appointment, or employment held under the landlord.

55. *Avoidance of agreement inconsistent with Act.* Any contract, agreement, or covenant made by a tenant, by virtue of which he is deprived of his right to claim compensation under this Act in respect of any improvement mentioned in the First Schedule hereto (except an agreement providing such compensation as is by this Act permitted to be substituted for compensation under this Act), shall, so far as it deprives him of such right, be void both at law and in equity.

56. *Right of tenant in respect of improvement purchased from outgoing tenant.* Where an incoming tenant has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, such incoming tenant shall be entitled on quitting the holding to claim compensation in respect of

such improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted the holding at the time at which the incoming tenant quits the same.

57. *Compensation under this Act to be exclusive.* A tenant shall not be entitled to claim compensation by custom or otherwise than in manner authorised by this Act in respect of any improvement for which he is entitled to compensation under or in pursuance of this Act, but where he is not entitled to compensation under or in pursuance of this Act he may recover compensation under any other Act of Parliament, or any agreement or custom, in the same manner as if this Act had not passed.

58. *Provision as to change of tenancy.* A tenant who has remained in his holding during a change or changes of tenancy shall not thereafter on quitting his holding at the determination of a tenancy be deprived of his right to claim compensation in respect of improvements by reason only that such improvements were made during a former tenancy or tenancies, and not during the tenancy at the determination of which he is quitting.

59. *Restriction in respect of improvements by tenant about to quit.* Subject as in this section mentioned, a tenant shall not be entitled to compensation in respect of any improvements, other than manures as defined by this Act, begun by him, if he holds from year to year, within one year before he quits his holding, or at any time after he has given or received final notice to quit, and, if he holds as a lessee, within one year before the expiration of his lease.

A final notice to quit means a notice to quit which has not been waived or withdrawn, but has resulted in the tenant quitting his holding.

The foregoing provisions of this section shall not apply in the case of any such improvement as aforesaid—

- (1.) Where a tenant from year to year has begun such improvement during the last year of his tenancy, and, in pursuance of a notice to quit thereafter given by the landlord, has quitted his holding at the expiration of that year; and
- (2.) Where a tenant, whether a tenant from year to year or a lessee, previously to beginning any such improvement, has served notice on his landlord of his intention to begin the same, and the landlord has either assented or has failed for a month after the receipt of the notice to object to the making of the improvement.

60. *General saving of rights.* Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person vested in or exercisable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvements, waste emblements, tillages, away-going crops, fixtures, tax, rate, tithe rentcharge, rent, or other thing.

61. *Interpretation.* In this Act—

“Contract of tenancy” means a letting of or agreement for the letting land for a term of years, or for lives, or for lives and years, or from year to year:

A tenancy from year to year under a contract of tenancy current at the commencement of the Act shall for the purposes of this Act be deemed to continue to be a tenancy under a contract of tenancy current at the commencement of this Act until the first day on which either the landlord or tenant of such tenancy could, the one by giving notice to the other immediately after the commencement of this Act, cause such tenancy to determine, and on and after such day as aforesaid shall be deemed to be a tenancy under a contract of tenancy beginning after the commencement of this Act:

“Determination of tenancy” means the ceasing of a contract of tenancy by reason of effluxion of time, or from any other cause:

“Landlord” in relation to a holding means any person for the time being entitled to receive the rents and profits of any holding:



"Tenant" means the holder of land under a landlord for a term of years, or for lives, or for lives and years, or from year to year:

"Tenant" includes the executors, administrators, assigns, legatees, devisees, or next-of-kin, husband, guardian, committee of the estate or trustees in bankruptcy of a tenant, or any person deriving title from a tenant; and the right to receive compensation in respect of any improvement made by a tenant shall enure to the benefit of such executors, administrators, assigns, and other persons as aforesaid:

"Holding" means any parcel of land held by a tenant:

"County court," in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate:

"Person" includes a body of persons and a corporation aggregate or sole:

"Live stock" includes any animal capable of being distrained:

"Manures" means any of the improvements numbered twenty-two and twenty-three in the third part of the First Schedule hereto:

The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation for improvements, or under any agreement made in pursuance of this Act.

62. *Repeal of Acts of 1875 and 1876.* On and after the commencement of this Act, the Agricultural Holdings (England) Act, 1875, and the Agricultural Holdings (England) Act, 1875, Amendment Act, 1876, shall be repealed.

Provided that such repeal shall not affect—

(a.) any thing duly done or suffered or any proceedings pending under or in pursuance of any enactment hereby repealed; or

(b.) any right to compensation in respect of improvements to which the Agricultural Holdings (England) Act, 1875, applies, and which

were executed before the commencement of this Act; or

(a.) any right to compensation in respect of any improvement to which the Agricultural Holdings (England) Act, 1875, applies, although executed by a tenant after the commencement of this Act if made under a contract of tenancy current at the commencement of this Act; or

(d.) any right in respect of fixtures affixed to a holding before the commencement of this Act;

and any right reserved by this section may be enforced after the commencement of this Act in the same manner in all respects as if no such repeal had taken place.

63. *Short title of Act.* This Act may be cited for all purposes as the Agricultural Holdings (England) Act, 1883.

64. *Limits of Act.* This Act shall not apply to Scotland or Ireland.

## FIRST SCHEDULE.

### PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

- (1.) Erection or enlargement of buildings.
- (2.) Formation of silos.
- (3.) Laying down of permanent pasture.
- (4.) Making and planting of osier beds.
- (5.) Making of water meadows or works of irrigation.
- (6.) Making of gardens.
- (7.) Making or improving of roads or bridges.
- (8.) Making or improving of watercourses, ponds, wells or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.
- (9.) Making of fences.
- (10.) Planting of hops.
- (11.) Planting of orchards or fruit bushes.
- (12.) Reclaiming of waste land.
- (13.) Warping of land.
- (14.) Embankment and sluices against floods.

## PART II.

IMPROVEMENT IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

- (15.) Drainage.

## PART III.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS NOT REQUIRED.

- (16.) Boning of land with undissolved bones.
- (17.) Chalking of land.
- (18.) Clay-burning.
- (19.) Claying of land.
- (20.) Liming of land.
- (21.) Marling of land.
- (22.) Application to land of purchased artificial or other purchased manure.
- (23.) Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.

## SECOND SCHEDULE.

Levying distress. Three per centum on any sum exceeding £20 and not exceeding £50. Two and a half per centum on any sum exceeding £50.

To bailiff for levy, £1 1s.

To man in possession, if boarded, 3s. 6d. per day; if not boarded, 5s. per day.

For advertisements the sum actually paid.

To auctioneer. For sale five pounds per centum on the sum realised not exceeding £100, and four per centum on any additional sum realised not exceeding £100, and on any sum exceeding £200 three per centum. A fraction of £1 to be in all cases considered £1.

Reasonable costs and charges where distress is withdrawn or where no sale takes place, and for negotiations between landlord and tenant respecting the distress; such costs and charges in case the parties differ to be taxed by the registrar of the county court of the district in which the distress is made.

## CAP. LXII.

An Act for amending the Law relating to Agricultural Holdings in Scotland.

[25th August 1883.]

## INDEX TO STATUTES.

46 &amp; 47 VICTORIA.—A.D. 1883.

AGRICULTURAL HOLDINGS; for amending the Law relating to Agricultural Holdings in England. Ch. 61. p. 40.

— for amending the Law relating to Agricultural Holdings in Scotland. Ch. 62.

ALCESTER, LORD; to grant a sum of money [£25,000] to Admiral Baron Alcester, G.C.B., in consideration of his eminent services. Ch. 16.

APPROPRIATION OF SUPPLIES; to apply the sum of £23,734,011 out of the Consolidated Fund to the Service of the year ending on the 31st day of March 1884, and to appropriate the Supplies granted in this Session of Parliament. Ch. 50.

ARMY; to provide, during twelve months, for the Discipline and Regulation of the Army. Ch. 6.

AUDIENCE OF SOLICITORS; to amend the Act for the Prevention of Crime in Ireland, 1882 (45 & 46 Vict. c. 25), as to the Audience of Solicitors. Ch. 12.

BANKRUPTCY; to amend and consolidate the Law of Bankruptcy. Ch. 52. p. 24.

BILLS OF SALE; to amend the Bills of Sale (Ireland) Act, 1879 (42 & 43 Vict. c. 50). Ch. 7.

BOROUGH CONSTABLES; to explain the effect of Section one hundred and ninety-five of the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50). Ch. 44. p. 10.

CHAMP TRAINS; to amend the Law relating to Railway Passenger Duty, and to amend and consolidate the Law relating to the Conveyance of the Queen's Forces by Railway. Ch. 34.

CHOLERA, &c. (METROPOLIS); to make better provision as regards the Metropolis for the isolation and treatment of persons suffering from Cholera and other Infectious Diseases; and for other purposes. Ch. 35.

CHOLERA HOSPITALS; to enable sanitary authorities in Ireland to take possession of land for the erection of temporary Cholera Hospitals. Ch. 48.

CITY OF LONDON PAROCHIAL CHARITIES; to provide for the better application and management of the Parochial Charities of the City of London. Ch. 36.

CIVIL PROCEDURE; for promoting the Revision of the Statute Law by repealing various Enactments relating to Civil Procedure or matters connected therewith, and for amending in some respects the Law relating to Civil Procedure. Ch. 49.

COLONIAL REGISTERS; to authorise Companies registered under the Companies Act, 1862 (25 & 26 Vict. c. 89), to keep Local Registers of their Members in British Colonies. Ch. 30. p. 9.

COMPANIES; to amend the Companies Acts, 1862 and 1867 (25 & 26 Vict. c. 89, and 30 & 31 Vict. c. 131). Ch. 28. p. 8.

— to authorise Companies registered under the Companies Act, 1862 (25 & 26 Vict. c. 89.), to keep Local Registers of their Members in British Colonies. Ch. 30. p. 9.

## CONSOLIDATED FUND:

— to amend the Consolidated Fund (Permanent Charges Redemption) Act, 1873 (36 & 37 Vict. c. 57). Ch. 1.

## No. 1:

— to apply the sum of £6,355,258 9s. 8d. out of the Consolidated Fund to the Service of the years ending on the 31st day of March 1882, 1883, and 1884. Ch. 2.

## No. 2:

— to apply the sum of £6,240,100 out of the Consolidated Fund to the Service of the year ending on the 31st day of March 1884. Ch. 5.

## No. 3:

— to apply the sum of £5,973,912 out of the Consolidated Fund to the Service of the year ending on the 31st day of March 1884. Ch. 13.

## No. 4:

— to apply the sum of £15,182,707 out of the Consolidated Fund to the Service of the year ending on the 31st day of March 1884. Ch. 23.

— to apply the sum of £23,734,011 out of the Consolidated Fund to the Service of the year ending on the 31st day of March 1884, and to appropriate the Supplies granted in this Session of Parliament. Ch. 50.

CONSTABULARY AND POLICE; to amend the Law relating to the Pay and Pensions of the Royal Irish Constabulary and the Police Force of Dublin Metropolis; and for other purposes. Ch. 14.

CONVEYANCE OF QUEEN'S FORCES BY RAILWAY; to amend the Law relating to Railway Passenger Duty, and to amend and consolidate the Law relating to the Conveyance of the Queen's Forces by Railway. Ch. 34.

CORPORATIONS, MUNICIPAL; to make provision respecting certain Municipal Corporations and other Local Authorities not subject to the Municipal Corporation Act (45 & 46 Vict. c. 50). Ch. 18. p. 4.

CORRUPT PRACTICES (SUSPENSION OF ELECTIONS); to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs [Boston; Canterbury; Chester; Gloucester; Macclesfield; Oxford; Sandwich]. Ch. 46.

CORRUPT AND ILLEGAL PRACTICES PREVENTION; for the better prevention of Corrupt and Illegal Practices at Parliamentary Elections. Ch. 51. p. 11.

COUNTERFEIT MEDALS; for preventing the Sale of Medals resembling Current Coin. Ch. 45.

CRIME IN IRELAND; to amend the Act for the Prevention of Crime in Ireland, 1882 (45 & 46 Vict. c. 25), as to the Audience of Solicitors. Ch. 12.

CUSTOMS AND INLAND REVENUE; to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [Tea; Explosive Substances; Game Licences; Gun Licences; Income Tax.] Ch. 10.

— to amend the law relating to the Customs and Inland Revenue, and to make other provisions respecting charges payable out of the public revenue, and for other purposes. Ch. 55.

DESIGNS, &c.; to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. Ch. 57.

DISEASES PREVENTION (METROPOLIS); to make better provision as regards the Metropolis for the isolation and treatment of persons suffering from Cholera and other Infectious Diseases; and for other purposes. Ch. 35.

EDUCATION; to amend the Laws relating to Education in Scotland, and for other purposes connected therewith. Ch. 56.

EPIDEMIC AND OTHER DISEASES PREVENTION; to make better provision for the Prevention of outbreaks of formidable epidemic, endemic, or infectious diseases, and to amend the Public Health Act, England, 1875 (38 & 39 Vict. c. 55), and the Public Health Act, Ireland, 1878 (41 & 42 Vict. c. 52). Ch. 59.

EXPIRING LAWS CONTINUANCE; to continue various expiring Laws. Ch. 40.

EXPLOSIVE SUBSTANCES; to amend the Law relating to Explosive Substances. Ch. 3. p. 3.

FACTORIES AND WORKSHOPS; to amend the Law relating to certain Factories and Workshops. Ch. 53.

FISHING BOATS; to amend the Merchant Shipping Acts, 1854 to 1880 (17 & 18 Vict. c. 104, &c.), with respect to Fishing Vessels and Apprenticeship to the Sea Fishing Service and otherwise. Ch. 41.

FRIENDLY, &c., SOCIETIES (NOMINATIONS); to extend the power of Nomination in Friendly and Industrial, &c., Societies, and to make further provision for cases of Intestacy in respect of Personal Property of small amount. Ch. 47. p. 11.

GLEBE LOANS; to amend the Glebe Loans (Ireland) Acts (33 & 34 Vict. c. 112, &c.). Ch. 8.

GREENWICH HOSPITAL; to make further provision respecting the application of the Revenues of Greenwich Hospital, and for other purposes. Ch. 32.



GUARDIANS OF THE POOR; to provide for Expenses incurred by Guardians of the Poor in relation to Poor Law Conferences. Ch. 11.  
p. 4.

INLAND REVENUE, &c.; to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. Ch. 10.

— to amend the Law relating to the Customs and Inland Revenue, and to make other provisions respecting charges payable out of the public revenue, and for other purposes. Ch. 55.

IRISH REPRODUCTIVE LOAN FUND; to amend the Irish Reproductive Loan Fund Act, 1874 (37 & 38 Vict. c. 86). Ch. 33.

ISLE OF MAN HARBOURS; to make further provision for taking dues for repairing and improving the Harbours in the Isle of Man. Ch. 9.

JUDICATURE, SUPREME COURT OF (FUNDS, &c.); to consolidate the Accounting Departments of the Supreme Court of Judicature, and for other purposes. Ch. 29.  
p. 9.

LABOURERS; to better the condition of Labourers in Ireland. Ch. 60.

LANDS CLAUSES (UMPIRE) ACT; to amend the Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18). Ch. 15.

LOAN FUND; to amend the Irish Reproductive Loan Fund Act, 1874 (37 & 38 Vict. c. 86). Ch. 33.

LOAN OF WORKS OF ART; for enabling the Trustees and Director of the National Gallery to lend Works of Art to other Public Galleries in the United Kingdom. Ch. 4.

LONDON (CITY OF) PAROCHIAL CHARITIES; to provide for the better application and management of the Parochial Charities of the City of London. Ch. 36.

LUNATICS, TRIAL OF; to amend the Law respecting the Trial and Custody of Insane Persons charged with offences. Ch. 38.

MEDALS; for preventing the Sale of Medals resembling Current Coin. Ch. 45.  
p. 10.

MEDICAL ACT (1858) AMENDMENT; to amend the Medical Act (1858) (21 & 22 Vict. c. 90). Ch. 19.

MERCHANT SHIPPING (FISHING BOATS); to amend the Merchant Shipping Acts, 1854 to 1880 (17 & 18 Vict. c. 104, &c.), with respect to Fishing Vessels and Apprenticeship to the Sea Fishing Service and otherwise. Ch. 41.

METROPOLITAN BOARD OF WORKS; further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes. Ch. 27.

MONEY ORDERS; to amend the Post Office (Money Orders) Acts, 1848 and 1880 (11 & 12 Vict. c. 88, and 43 & 44 Vict. c. 33), and extend the same to Her Majesty's Dominions out of the United Kingdom. Ch. 58.

MUNICIPAL CORPORATIONS; to make provision respecting certain Municipal Corporations and other Local Authorities not subject to the Municipal Corporation Act (45 & 46 Vict. c. 50). Ch. 18.  
p. 4.

NATIONAL DEBT; to make further provision respecting the National Debt, and the Investment of Moneys in the hands of the National Debt Commissioners on account of Savings Banks, and otherwise. Ch. 54.

NATIONAL GALLERY (LOAN); for enabling the Trustees and Director of the National Gallery to lend Works of Art to other Public Galleries in the United Kingdom. Ch. 4.

PAROCHIAL CHARITIES (CITY OF LONDON); to provide for the better application and management of the Parochial Charities of the City of London. Ch. 36.

PATENTS, DESIGNS, AND TRADE-MARKS; to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. Ch. 57.

PAYMENT OF WAGES IN PUBLIC-HOUSES PROHIBITION; to prohibit the Payment of Wages to Workmen in Public-houses and certain other places. Ch. 31.  
p. 9.

PERMANENT CHARGES REDEMPTION; to amend the Consolidated Fund (Permanent Charges Redemption) Act, 1873 (36 & 37 Vict. c. 57). Ch. 1.

POLICE OF DUBLIN METROPOLIS; to amend the Laws relating to the Pay and Pensions of the Royal Irish Constabulary and the Police Force of Dublin Metropolis; and for other purposes. Ch. 14.

POOR LAW CONFERENCES; to provide for Expenses incurred by Guardians of the Poor in relation to Poor Law Conferences. Ch. 11.

POST OFFICE (MONEY ORDERS); to amend the Post Office (Money Orders) Acts, 1848 and 1880 (11 & 12 Vict. c. 88, and 43 & 44 Vict. c. 33), and extend the same to Her Majesty's Dominions out of the United Kingdom. Ch. 58.

PREVENTION OF CRIME; to amend the Act for the Prevention of Crime in Ireland, 1882 (45 & 46 Vict. c. 25), as to the Audience of Solicitors. Ch. 12.

PRISON SERVICE; to explain and amend the thirty-second section of the General Prisons (Ireland) Act, 1877 (40 & 41 Vict. c. 49). Ch. 25.

PROVIDENT NOMINATIONS AND SMALL INTESTACIES; to extend the power of Nomination in Friendly and Industrial, &c., Societies, and to make further provision for cases of Intestacy in respect of Personal Property of small amount. Ch. 47.  
p. 11.

PUBLIC COMPANIES, &c.; for promoting the extension of Tramway communication in Ireland, and for assisting Emigration, and for extending certain provisions of the Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49), to the case of Public Companies. Ch. 43.

PUBLIC HEALTH ACT, 1875 (SUPPORT OF SEWERS); to amend the Public Health Act, 1875 (38 & 39 Vict. c. 55), and to make provision with respect to the support of public sewers and sewage works in mining districts. Ch. 37.

PUBLIC WORKS LOANS; to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission; and to amend the Acts relating to the said Commissioners, and for other purposes. Ch. 42.

RAILWAY PASSENGER DUTY; to amend the Law relating to Railway Passenger Duty, and to amend and consolidate the Law relating to the Conveyance of the Queen's Forces by Railway. Ch. 34.

REGISTRY OF DEEDS OFFICE (IRELAND) HOLIDAYS; to amend the Law relating to the Registry of Deeds Office, Ireland. Ch. 20.

RELIEF OF DISTRESSED UNIONS; to make temporary provision for the Relief of the Destitute Poor in Ireland. Ch. 24.

REVENUE; to amend the Law relating to the Customs and Inland Revenue, and to make other provisions respecting charges payable out of the public revenue, and for other purposes. Ch. 55.

REVENUES OF GREENWICH HOSPITAL; to make further provision respecting the application of the Revenues of Greenwich Hospital, and for other purposes. Ch. 32.

ROYAL IRISH CONSTABULARY, &c.; to amend the Laws relating to the Pay and Pensions of the Royal Irish Constabulary and the Police Force of Dublin Metropolis; and for other purposes. Ch. 14.

SALE OF MEDALS; for preventing the Sale of Medals resembling Current Coin. Ch. 45.  
p. 10.

SEA FISHERIES; to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries. Ch. 22.

SOLICITORS, AUDIENCE OF; to amend the Act for the Prevention of Crime in Ireland, 1882 (45 & 46 Vict. c. 25), as to the Audience of Solicitors. Ch. 12.

STATUTE LAW REVISION; for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. Ch. 39.

STATUTE LAW REVISION AND CIVIL PROCEDURE; for promoting the Revision of the Statute Law by repealing various Enactments relating to Civil Procedure or matters connected therewith, and for amending in some respects the Law relating to Civil Procedure. Ch. 49.

SUPPORT OF SEWERS; to amend the Public Health Act, 1875 (38 & 39 Vict. c. 55), and to make provision with respect to the support of public sewers and sewage works in mining districts. Ch. 37.  
p. 9.

SUPREME COURT OF JUDICATURE (FUNDS, &c.); to consolidate the Accounting Departments of the Supreme Court of Judicature, and for other purposes. Ch. 29.

TRADE MARKS, &c.; to amend and consolidate the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks. Ch. 57.

TRAMWAYS AND PUBLIC COMPANIES; for promoting the extension of Tramway communication in Ireland, and for assisting Emigration, and for extending certain provisions of the Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49), to the case of Public Companies. Ch. 43.

TRIAL OF LUNATICS; to amend the Law respecting the Trial and Custody of Insane Persons charged with Offences. Ch. 38.

TURNPIKE ACTS CONTINUANCE; to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. Ch. 21.

UMPIRE (LANDS CLAUSES ACT); to amend the Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18). Ch. 15.

WOLSELEY, LORD; to grant a sum of money [£30,000] to General Baron Wolseley of Cairo, G.C.B., G.C.M.G., in consideration of his eminent services. Ch. 17.

WORKSHOPS, &c.; to amend the Law relating to certain Factories and Workshops. Ch. 53.